

A SUMMARY
OF THE
LAW & PRACTICE
IN THE
ECCLESIASTICAL COURTS

Fifth Edition

T. EUSTACE SMITH

FROM
THE KELLY LAW-BOOK COMPANY LTD
LINCOLN'S INN GATE,
LONDON

THE LAW WORKS

PUBLISHED BY

STEVENS AND HAYNES,
BELL YARD, TEMPLE BAR, LONDON.

* * For full particulars of the following and other Works. see
S. & H.'s Catalogue at end of this Volume.

In 8vo, price 7s. 6d.,

THE LAW AS TO THE APPOINTMENT OF NEW TRUSTEES.
With Appendices containing Forms and Precedents and Material Sections of the Trustee Act, 1893, and the Lunacy Acts, 1890 and 1891. By J. M. EASTON, of the Inner Temple, Barrister-at-Law.

Second Edition, in royal 8vo, price 30s. cloth,

A TREATISE ON THE LAW AND PRACTICE RELATING TO LETTERS PATENT FOR INVENTIONS. With an Appendix of Statutes, International Convention, Rules, Forms and Precedents, Orders, &c. By ROBERT FROST, B.Sc. (Lond.), Fellow of the Chemical Society, of Lincoln's Inn, Esq., Barrister-at-Law

Second Edition, price 28s. cloth

1. 15. 16. N. D.
MLEY
band
vant.
ferred
of His
es of
f the
ting
-Law.
EN:
KAY,
shant
ations
G. W.

Library of the Theological Seminary,
PRINCETON, N. J.

KD 8680 .S6 1902
Smith, T. Eustace b. 1856.
A summary of the law and
practice in the

In One Volume, 8vo, price 30s. cloth,

THE PRINCIPLES OF COMMERCIAL LAW. With an Appendix of Statutes, annotated by means of references to the Text. By JOSEPH HURST and LORD ROBERT CECIL, of the Inner Temple, Barristers-at-Law.

In One Volume, medium 8vo, price 38s. cloth,

A HISTORY OF THE FORESHORE AND THE LAW RELATING THERETO. With a hitherto Unpublished Treatise by LORD HALE; Lord Hale's DE JURE MARIS; and the *Third Edition* of HALL's Essay on the RIGHTS OF THE CROWN IN THE SEASHORE. With Notes, and an Appendix relating to Fisheries. By STUART A. MOORE, F.S.A., of the Inner Temple, Barrister-at-Law.

Second English Edition, in royal 8vo, price 45s. cloth,

STORY'S COMMENTARIES ON EQUITY JURISPRUDENCE.
By W. E. GRIGSBY, LL.D. (Lond.), B.C.L. (Oxon.), Barrister-at-Law.

Second Edition. In One Volume, royal 8vo, price 32s. cloth,

THE LAW RELATING TO THE SALE OF GOODS AND COMMERCIAL AGENCY. By ROBERT CAMPBELL, Barrister-at-Law.

[See Catalogue at end of this Volume.]

STEVENS AND HAYNES' LAW PUBLICATIONS.

In 8vo, price 16s. cloth,

THE LAW OF PRINCIPAL AND SURETY. By S. A. T. ROWLATT, M.A., of the Inner Temple, Barrister-at-Law.

Second Edition, in royal 8vo, price 18s. net, cloth,

THE LAW SPECIALLY RELATING TO TRAMWAYS AND LIGHT RAILWAYS, and containing the Tramways Act, 1870, and the Board of Trade Rules and Regulations relating to Tramways, with Notes; and the Light Railways Act, 1896, and the Board of Trade Rules and Regulations relating to Light Railways, with Notes; and a full Collection of Precedents. By SEWARD BRICE, M.A., LL.D., one of His Majesty's Counsel, and B. J. LEVERSON, of the Inner Temple, Barrister-at-Law.

Just published. In 8vo, price 7s. 6d.,

LAW OF CONTRACT OF SALE. By WILLIAM WILLIS, one of His Majesty's Counsel. Being six Lectures delivered at the request of the Council of Legal Education.

Eighth Edition, in 8vo, price 25s. cloth, 1900,

BALDWIN'S TREATISE UPON THE LAW OF BANKRUPTCY and BILLS OF SALE. With an Appendix, containing the Bankruptcy Acts, 1883-1890; General Rules, Forms, Scale of Costs and Fees; Rules under s. 122; Deeds of Arrangement Acts, 1887-1890; Board of Trade and Court Orders; Debtors Acts, 1869, 1878, Rules and Forms, 1889-1895; Bills of Sale Acts, 1875-1891, &c. By EDWARD T. BALDWIN, M.A., Barrister-at-Law.

Thirteenth Edition, price 21s. cloth,

SNELL'S PRINCIPLES OF EQUITY. By ARCHIBALD BROWN, of the Middle Temple, Barrister-at-Law.

Third Edition, in 8vo, price 21s. cloth,

WALKER'S COMPENDIUM OF THE LAW RELATING TO EXECUTORS AND ADMINISTRATORS. With an Appendix of Statutes, &c. Third Edition. By E. J. ELGOOD, B.C.L., M.A., Barrister-at-Law.

Just Published. In 8vo. Eighth Edition, price 15s.,

A MANUAL OF THE PRACTICE OF THE SUPREME COURT OF JUDICATURE IN THE KING'S BENCH AND CHANCERY DIVISIONS; intended for the Use of Students and the Profession. Eighth Edition. By JOHN INDERMAUR, Solicitor.

Third Edition, in 8vo, price 36s. cloth,

THE LAW OF COPYRIGHT IN WORKS OF LITERATURE and ART; including that of the Drama, Music, Engraving, Sculpture, Painting, Photography, and ornamental and useful Designs: together with INTERNATIONAL and FOREIGN COPYRIGHT, with the Statutes relating thereto, and references to the English and American decisions. Third Edition. Considerably enlarged. By W. A. COPINGER, Barrister-at-Law.

Second Edition. One Volume, 8vo, price 28s. cloth,

A SELECTION OF PRECEDENTS OF PLEADING UNDER THE JUDICATURE ACTS IN THE COMMON LAW AND CHANCERY DIVISIONS. With Notes Explanatory of the Different Causes of Action and Grounds of Defence; and an Introductory Treatise on the Present Rules and Principles of Pleading, as illustrated by the various decisions down to the present time. Second Edition. By M. W. MATTINSON and S. C. MACASKIE, of Gray's Inn, Barristers-at-Law.

Third Edition. In One Volume, royal 8vo, price 38s. cloth,

THE LAW OF CORPORATIONS AND COMPANIES. A Treatise on the Doctrine of ULTRA VIRES: Being an Investigation of the Principles which limit the Capacities, Powers, and Liabilities of Corporations, and more especially of Joint Stock Companies. By SEWARD BRICE, M.A., LL.D., of the Inner Temple, one of His Majesty's Counsel.

Ninth Edition, in 8vo, price 20s., cloth,

HARRIS' PRINCIPLES OF CRIMINAL LAW. Intended as a lucid Exposition of the Subject for the Use of Students and the Profession. Ninth Edition. By C. L. ATTENBOROUGH, of the Inner Temple, Barrister-at-Law.

Wm. R. Lewis

Apr 1903.

LAW AND PRACTICE
IN THE
ECCLESIASTICAL COURTS.

ef-

A SUMMARY
OF THE
LAW AND PRACTICE
IN THE
ECCLESIASTICAL COURTS.



BY
T. EUSTACE SMITH,
BARRISTER-AT-LAW,
*Author of "A Summary of the Law of Companies," and
"A Summary of the Law and Practice in Admiralty."*

FIFTH EDITION.

LONDON:
STEVENS AND HAYNES,
Law Publishers,
BELL YARD, TEMPLE BAR.
1902.

LONDON :

PRINTED BY C. F. ROWORTH, GREAT NEW STREET, FETTER LANE, E.C.

PREFACE

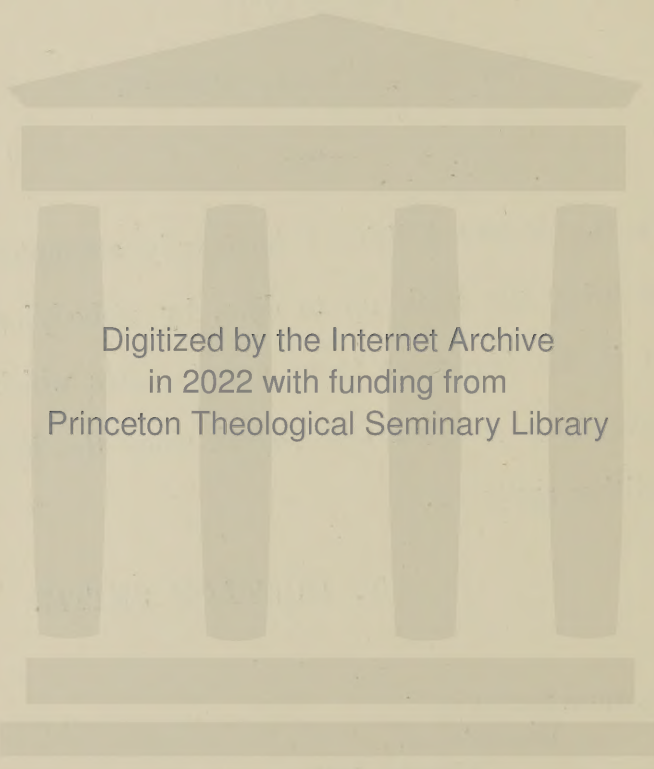
TO THE FIFTH EDITION.



IN the present Edition I have only attempted to bring the book up to date, by embodying in it the important Cases and Statutes which have been decided and passed since the last Edition appeared.

T. EUSTACE SMITH.

9, STONE BUILDINGS,
LINCOLN'S INN,
November, 1902.



Digitized by the Internet Archive
in 2022 with funding from
Princeton Theological Seminary Library

PREFACE TO THE FIRST EDITION.



My chief difficulty in compiling the following pages on Ecclesiastical Law has been to know what could be best left out. Sir Robert Phillimore's work is composed of 2329 pages; Burn's Ecclesiastical Law is contained in four volumes of about 700 pages each; while I have endeavoured to give a summary of Ecclesiastical Law in 100 pages. Ecclesiastical Law branches into so many divisions of English Law that it is difficult to tell where a summary on the subject should end. On the one hand I feared to make my book so large that it would be of no use to Students, and on the other I was afraid of giving an imperfect view of the subject by leaving out some important part: to meet this difficulty I have, as far as possible, confined myself to matters which are not met with in the ordinary text-books used by Students. This book has, in fact, been written to give the Student and general reader a fair outline of the scope and extent of Ecclesiastical Law, of the principles on which it is founded,

of the Courts by which it is enforced, and the procedure by which those Courts are regulated. I have, throughout the whole work, adopted the same plan as in my former Summaries, and have, in each case, cited the authorities from whence my information is derived.

T. EUSTACE SMITH.

May, 1880.

CONTENTS.



PART I.

	PAGE
THE SOURCES OF THE ECCLESIASTICAL LAW.....	3—7
ECCLESIASTICAL DIVISIONS OF ENGLAND	8—11
COURTS HAVING ECCLESIASTICAL JURISDICTION	12—17
FACULTIES	18—23

PART II.

CLERGY AND LAITY	27—37
CHURCHES AND CHAPELS	38—41
THE ORDERS AND OFFICERS OF THE CHURCH	42—59
DOCTRINE AND ORNAMENTS	60—66
ADVOWSONS	67—85
CHURCH LANDS	86—99
TITHES	100—114
PENSIONS, OFFERINGS, AND FEES.....	115—119

PART III.

INTRODUCTION	123—126
PROCEDURE GENERALLY.....	127—138
PROCEDURE UNDER THE CHURCH DISCIPLINE ACT AND CLERGY DISCIPLINE ACT, 1892.....	139—155
PROCEDURE UNDER THE PUBLIC WORSHIP REGULATION ACT	156—163
ECCLESIASTICAL PUNISHMENTS	164—172

APPENDIX.

	PAGE
RULES OF THE COURT OF ARCHES.....	173—178
RULES OF THE CHANCERY COURT OF YORK.....	179—182
THE CHURCH DISCIPLINE ACT, 1840—SECTIONS 2, 6, 14, 18, 22, AND 25	183—186
ECCLESIASTICAL FEES—ORDER OF THE PRIVY COUNCIL APPROVING TABLE OF ECCLESIASTICAL FEES AND PAYMENTS, OF 10TH DECEMBER, 1895.....	187—192

TABLE OF CASES.

A.	PAGE		PAGE
ALCROFT <i>v.</i> Bishop of London, [1891] A. C. 666	159	Boyer <i>v.</i> The Bishop of Norwich, [1892] A. C. 417	79
Asher <i>v.</i> Calcraft, 18 Q. B. D. 607	56	Bremner <i>v.</i> Hull, 1 C. P. 748....	55
Attorney-General <i>v.</i> Ruper, 2 P. W. 125	56, 92	Bryant <i>v.</i> Foote, L. R. 2 Q. B. 63; 3 Q. B. (Ex. Ch.) 497	117
Ayrton <i>v.</i> Abbott, 14 Q. B. 1..	116, 119	Bunter <i>v.</i> Cresswell, 14 Q. B. 825; 19 L. J. Q. B. 687; 3 Jur. 864.	168
		Butt <i>v.</i> Jones, 2 Hagg. Eccl. 426 .	22
B.		C.	
BAILEY <i>v.</i> Badham, 30 Ch. D. 84.	102	CALDON <i>v.</i> Pixell, 2 C. P. D. 562 .	98
Barker and Cooke <i>v.</i> Bishop of London, Willes Rep. 659	82	Cardinal <i>v.</i> Molyneux, 4 De G. F. & J. 117; 7 Jur. (N.S.) 605 .	23
Barnes <i>v.</i> Shore, 1 Rob. 382; 8 Ad. & E. 640	38, 41	Carr <i>v.</i> Marsh, 2 Phill. 198	41
Bartlett <i>v.</i> Phillips, 4 De G. & J. 414	89	Carthew <i>v.</i> Edwards, Amb. 72; Gw. 826; 2 E. & Y. 818	116
Battiscombe <i>v.</i> Eve, 9 Jur. (N.S.) 210; 7 L. T. (N.S.) 697	38	Champneys <i>v.</i> Arrowsmith, L. R. 2 C. P. 602; 3 C. P. 107.....	86
Bettison, <i>In re</i> , L. R. 4 A. & E. 294	22	Churton <i>v.</i> Trewen, 2 Eq. 634 ..	87
Bideford Parish, <i>Re</i> , [1900] P. D. 314	95	Clergyman, <i>In re</i> , 15 Eq. 154....	34
Bird <i>v.</i> Relfe, 4 B. & Ad. 826; 2 Ad. & Ell. 773; 1 Nev. & Mann. 415	89	Clifton <i>v.</i> Ridsdale, 1 P. D. 316..	64, 163
Blackmore, <i>Ex parte</i> , 1 B. & Ad. 122	94	Cox, <i>Ex parte</i> Rev. James Bell, 20 Q. B. D. 1	167
Bonwell <i>v.</i> Bishop of London, 14 Moo. P. C. 395	171	Crompton <i>v.</i> Jarratt, 30 Ch. D. 298	72
Borough <i>v.</i> Collins, 15 P. D. 81..	134		
Bosanquet <i>v.</i> Heath, 9 W. R. 35..	41	D.	
Boyd <i>v.</i> Phillpotts, L. R. 4 Ad. & Eccl. 297; L. R. 6 P. C. 435..	17, 20	DAVEY <i>v.</i> Hinde, [1901] P. D. 95.	65, 127
		Deudney <i>v.</i> Good and Ford, 7 Jur. (N.S.) 637	23

	PAGE		PAGE
Dixon, Lieut.-Col., <i>In re</i> , [1892]		Green <i>v.</i> Lord Penzance, L. R. 6	
P. 386	19	H. L. 657	162
Downes <i>v.</i> Craig, 9 M. & W. 166.	96	Griffin <i>v.</i> Deighton, 33 L. J. Q. B.	
Durant <i>v.</i> Durant, 1 Add. 114 ..	136	181	87
Dysart <i>v.</i> Dysart, 2 Notes of Cases,		Gully <i>v.</i> Bishop of Exeter, 10 B.	
16	130	& C. 584	82
E.		H.	
EDWARDS <i>v.</i> Bishop of Exeter, 5		HAKES <i>v.</i> Cox, [1892] P. 110	162
Bing. N. C. 652	79	Hare <i>v.</i> Bickley, Plowd. 528	75
Elphinstone <i>v.</i> Purchas, L. R. 3		Harper <i>v.</i> Forbes, 5 Jur. (N.S.)	
A. & E. 66....	41, 61	275	21
——— <i>v.</i> ——, L. R. 3		Hearle <i>v.</i> Greenbank, 3 Atk. 710 .	81
P. C. 245	128	Hebbert <i>v.</i> Purchas, L. R. 3 P. C.	
Esdaille <i>v.</i> Payne (No. 1), 52 L. T.		605; 4 P. C. 301 ..	61, 63, 166, 167
530; 33 W. R. 864	110	Heywood <i>v.</i> Bishop of Manchester,	
Exeter (Bishop of) <i>v.</i> Marshall, 3		12 Q. B. D. 404	77
H. L. 17	6	Holden <i>v.</i> Weekes, 1 J. & H. 278;	
		6 Jur. (N.S.) 1288; 30 L. J. Ch.	
		35	89
		Holy Trinity Church of Stroud	
		Green, 12 P. D. 199	19
		Hopper <i>v.</i> Davis, 1 Lee, 640	129
		Howard <i>v.</i> Bodington, 2 P. D.	
		203	159
		Howell <i>v.</i> Holroyd, [1897] P.	
		198	57
		Hughes <i>v.</i> Edwards, 2 P. D. 361.	64
		Huntley <i>v.</i> Russell, 13 Ad. & Ell.	
		(Q. B.) 572	89
		J.	
		JOHNSON <i>v.</i> Friend and Ballard,	
		6 Jur. (N.S.) 280	94
		Julius <i>v.</i> Bishop of Oxford, 5 App.	
		Cas. 214	139
		K.	
		KEMP <i>v.</i> Wickes, 3 Phill. 265..	93, 117
		Kensit <i>v.</i> St. Ethelburga, Bishops-	
		gate Within, [1900] P. D. 80..	65,
			127

TABLE OF CASES.

xiii

PAGE	PAGE
Kimber <i>v.</i> Paravicini, 15 Q. B. D. 222	Molyneux <i>v.</i> Bagshaw, 9 Jur. (N. S.) 553
97	53
Kitson <i>v.</i> Drury, 11 Jur. (N.S.) 273	Monk, <i>In re</i> , Wayman <i>v.</i> Monk, 35 Ch. D. 583
38	99
Knight <i>v.</i> Moseley, Amb. 176 ..89, 90	Montagu <i>v.</i> Twyne, Times L. R. 1892-3, p. 278
	35
	Morley <i>v.</i> Leacroft, [1896] P. D. 92
	165
	Morris <i>v.</i> Ogden, L. R. 4 C. P. 687
	141, 167
	Moycey <i>v.</i> Hillcoat, 2 Hagg. Eccl. 50
	41
L.	N.
LAWRENCE, <i>Re</i> , [1896] P. 244.... 31	NEVILLE <i>v.</i> Bridger, 9 Ex. 214 .. 94
———— <i>v.</i> Edwards, [1891] 1 Ch. 144	———— <i>v.</i> Kirby, [1898] P. 160.. 87
170	Nickalls <i>v.</i> Briscoe, [1892] P. 269 20
———— <i>v.</i> Jones, Bunb. 173 ; 2 Sw. 662 ; 1 E. & Y. 801 116	Noble <i>v.</i> Ohier, 11 P. D. 158 141
Lee <i>v.</i> Flack, [1896] P. 138 144	
———— <i>v.</i> Mathews, 3 Hagg. Eccl. 169	O.
133	OLIVE <i>v.</i> Ingram, T. 12 G., Str. 1114
Lewis <i>v.</i> Bright, 1 Ell. & Bl. 917. 32	58
Liddell <i>v.</i> Rainsford, 38 L. J. Eccl. 15	O'Malley <i>v.</i> Bishop of Norwich, [1892] P. 175
41	142
Lighton <i>v.</i> Bishop of London, [1891] A. C. 666	
159	P.
London (Bishop of) <i>v.</i> Day, 1 Rob. Eccl. 724..141, 167	PARHAM <i>v.</i> Templar, 3 Phill. 241, P. 17
———— <i>v.</i> Ffytche, 2 Bro. P. C. 211	247
84	Peek <i>v.</i> Thrower, 7 P. D. 21 20
M.	Phillimore <i>v.</i> Machon, 1 P. D. 481 125
McBEAN <i>v.</i> Deane, 30 Ch. D. 520. 11	Phillips <i>v.</i> Halliday, [1891] A. C. 228
Maidman <i>v.</i> Malpas, 1 Hagg. Cons. 205	19
93, 119, 128	Phillpotts <i>v.</i> Boyd, L. R. 4 Ad. & Eccl. 297, L. R. 6 P. C. 435 .. 17, 20, 64, 156
Manby <i>v.</i> Curtis, 2 Price 284, 3 E. & Y. 733	17
116	Proud <i>v.</i> Price, Times L. R. 1892—3, vol. ix. p. 411 ; 1893 —4, vol. x. p. 21
Marlborough, The Duke of, <i>v.</i> St. John, 5 De G. & Sm. 154, 21 L. J. Ch. 381, 16 Jur. 310 90	19
Martin <i>v.</i> Mackonochie, L. R. 2 A. & E. 116, 7 P. D. 94, 8 P. D. 191 ..4, 6, 61, 62, 127, 164, 171	
Mastin <i>v.</i> Escott, 2 Curt. 692, 4 Moo. P. C. 104, 1 Notes of Cases 552	R.
127	R. <i>v.</i> Bishop of Chichester, 2 E. & E. 209, 29 L. J. Q. B. 23 129
Middleton <i>v.</i> Crofts, Str. Rep. 1056, 2 Atk. 650	R. <i>v.</i> Bishop of Oxford, 41 L. T. (N. S.) 122
4, 6	139

PAGE	S.	PAGE
R. v. Bishop of Salisbury, [1901] 2 K. B. 225		55
R. v. Christopherson, 16 Q. B. D. 7		103
R. v. Churchwardens of Should- ham All Saints, L. R. 8 Q. B. 69.....		55
R. v. Durham, Bishop of, [1897] 2 Q. B. 414		152
R. v. Hall, L. R. 1 Q. B. 632 ..		116
R. v. Inhabitants of Liverpool, 3 T. R. 119		58
R. v. Paterson, [1895] 1 Q. B. 31..		104
R. v. Twiss, 4 Q. B. 407		21
Read and others, <i>Ex parte</i> , 13 P. D. 221		44
Read v. Bishop of Lincoln, 14 P. D. 88, [1892] A. C. 644 ..44, 61, 62, 165		
Reichel v. Bishop of Oxford, 35 Ch. D. 48		37
Repington v. The Governors of Tamworth School, 2 Wilson 150, 8 Bing. 563		79
Rich v. Bushnell, 4 Hagg. 164 ..		119
Richmond, Vicar of, &c. v. All Persons, &c., [1897] P. 70		65
Ridsdale v. Clifton, 2 P. D. 276, 1 P. D. 383.....		61, 63, 161
Ritchings v. Cordingley, L. R. 3 A. & E. 119		23, 57
Robinson v. Dand, 17 Q. B. D. 341		36
———, Thomas, In the Goods of, 3 Phill. 511		131
——— v. Tonge, Str. 879, Viner, Assets, A. 28, 3 Br. P. C. 550..		80
Rochester, Bishop of, v. Harris, [1893] P. 137.....		145
Rose, <i>Ex parte</i> , 118 Q. B. 751, 21 L. J. Q. B. 334		141
Rose v. Adcock, 3 C. P. 655		96
Rugg v. Kingsmill, L. R. 2 P. C. 59		21, 22
Rumsey v. Nicholl, 2 C. P. D. 179, 294		96
St. AGNES, Toxteth Park (2), <i>In re</i> , 11 P. D. 1		19
St. Andrew's, Romford (Rector, &c.), v. All persons, &c., [1894] P. 220		19
St. Anne's, Limehouse v. Parish- ioners, [1901] P. D. 73		19
St. Benet Fink Churchyard, [1893] P. 58		22
St. Botolph Without (Vicar of) v. Parishioners, [1892] P. 161. 21, 22		
St. Gabriel, Fenchurch Street, Rector, &c. v. City of London Real Property Co., [1896] P. D. 95, 101		93
St. George's-in-the-East (Rector of), 1 P. D. 311.....		22
St. Helen's, Bishopsgate (Rector of) v. Parishioners, [1892] P. 259		18
St. James', Norland (Vicar, &c.) v. The Parishioners, [1894] P. 256		19
St. James the Less, Bethnal Green, [1898] P. D. 55		95
St. John's, Walbrook (Rector of) v. Parishioners, 2 Rob. Eccl. 515, 16 Jur. 645.....		21
St. Laurence, Pillington, <i>In re</i> , 5 P. D. 131.....		64
St. Mark's, Marylebone Road, [1898] P. 114.....		65
St. Mary-at-Hill (Rector of) v. Parishioners, [1892] P. 394 ..		18
St. Michael Bassishaw (Rector of) v. Parishioners, [1893] P. 233..		18
St. Nicholas Cole Abbey, <i>In re</i> , [1893] P. 58		22
St. Saviour's, Rectory of, and Oyler, 31 Ch. D. 412		95
St. Saviour's, Westgate-on-Sea, Vicar, &c. v. Parishioners, &c., [1898] P. 217.....		57
Savage, <i>Ex parte</i> , 3 Atk. 639		110

TABLE OF CASES.

XV

	PAGE
Schultes <i>v.</i> Hodgson, 2 Add. 416..	133
Shoplane <i>v.</i> Roydler, Cro. Jac. 98, Co. Litt. 17b, 89a	81
Sowerby <i>v.</i> Fryer, 8 Eq. 417	90
Stileman-Gibbard <i>v.</i> Wilkinson, [1897] 1 Q. B. 749.....	19, 86
Stocks <i>v.</i> Booth, 1 T. R. 428	19
Sumner (Bishop) <i>v.</i> Wix, 3 A. & E. 58	62

T.

TAKEHAM Sequestration Moneys, <i>In re</i> , 12 Eq. 494	142
Taylor <i>v.</i> Timpson, Times L. R. vol. iv. p. 208	56
Tetbury (Vicar of) <i>v.</i> The Church- wardens, &c., [1892] P. 271 ..	20
Thorpe <i>v.</i> Mansell, 1 Cons. 1, n...	133
Titchmarsh <i>v.</i> Chapman, 3 Notes of Cases, 387.....	127
Topsal <i>v.</i> Ferrers, Hob. 175	117
Trower <i>v.</i> Hurst, 5 Notes of Cases, 165	167
Turner <i>v.</i> Meyers, 1 Hagg. Cons. 415, n.....	127
——— <i>v.</i> Parishioners of Hanwell, 1 Notes of Cases, 368	38

V.

VALLANCEY <i>v.</i> Fletcher, [1897] 1 Q. B. 265	124
Vincent <i>v.</i> Tomlinson, [1897] P. D. 1	22
——— <i>v.</i> Eyton, [1892] P. 1	56
Voysey <i>v.</i> Noble, 3 P. C. 357 ..60, 61	

W.

WALSH <i>v.</i> The Bishop of Lincoln, 10 C. P. 518	80
Westerton <i>v.</i> Liddell, Moore's Sp. Rep.	64
White <i>v.</i> Bowron, L. R. 4 A. & E. 207	21
Williams <i>v.</i> Bott, 1 Cons. 1	133
——— <i>v.</i> Williams, 20 Ch. D. 659	118
Wilson <i>v.</i> M' Math, 3 Phill. 78—79	6
Winchester, Bishop of, <i>v.</i> Wix, L. R. 3 A. & E. 19	128
Wither <i>v.</i> The Dean and Chapter of Winchester, 3 Mem. 421....	90
Wood, <i>Ex parte</i> , 3 Atk. 639	110
Wright <i>v.</i> Davies, 1 C. P. D. 638	96

PART I.



THE SOURCES OF THE ECCLESIASTICAL LAW.
ECCLESIASTICAL DIVISIONS OF ENGLAND.
COURTS HAVING ECCLESIASTICAL JURISDICTION.
FACULTIES.

LAW AND PRACTICE

IN THE

ECCLESIASTICAL COURTS.



THE SOURCES FROM WHICH THE ECCLESIASTICAL LAW IS DERIVED.

ECCLESIASTICAL LAW, or the body of rules and principles administered and enforced in the Ecclesiastical Courts, is composed of four main elements—viz., the *Civil Law*, the *Canon Law*, the *Common Law*, and the *Statute Law* (*a*). Four elements of Ecclesiastical Law.

By the *Civil Law* is meant the *Civil or Municipal Law* of the Roman Empire, as comprised in the *Institutes*, the *Code*, and the *Digest* of the Emperor *Justinian*, and the *Novel Constitutions* of himself and his successors (*b*). The Civil Law.

The *Canon Law* is a body of Roman Ecclesiastical Law founded on the *Civil Law*. It is composed of three parts—the *Foreign Canon Law*, the *Legatine Constitutions*, and the *Provincial Constitutions*. The Canon Law.

The *Foreign Canon Law* consists of the opinions of the The Foreign Canon Law.

(*a*) *Burn's Ecclesiastical Law*, 9th ed. p. xi. In *Brice's Public Worship* and *Blunt's Book of Church Law* the *Civil Law* is included in the *Canon Law*.

(*b*) *Williams's Laws of the Clergy*, p. 1; *Steph. Com.* 13th ed. vol. i. p. 16.

ancient Latin Fathers, the decrees of the General Councils, and the decretal epistles and bulls published from time to time by the various Popes.

Has of itself
no binding
effect in
England.

This Foreign Canon Law has of itself no binding effect on the English Ecclesiastical Courts, except so far as it is sanctioned by the Common Law. The Common Law manifested considerable aversion to the *general* Canon Law, "but it has always been the doctrine of the Temporal and Ecclesiastical Courts since the Reformation, that the constitutions contained in Lyndewood (*c*) and the general usages of the Church, and certain portions of the Canon Law admitted by those usages, are still binding upon the Church of the realm" (*d*).

The Legatine
Constitutions.

The Legatine Constitutions were Ecclesiastical Laws enacted in national synods, held under the Cardinals Otho and Othobon, legates from Pope Gregory the Ninth and Pope Clement the Fourth, in the reign of King Henry III., about the years 1220 and 1268 (*e*).

The Provincial
Constitutions.

The Provincial Constitutions are principally decrees of provincial synods, held under divers Archbishops of Canterbury, from Stephen Langton, in the reign of Henry III., to Henry Chichele, in the reign of Henry V., and adopted also by the province of York in the reign of Henry VI.

(*c*) An eminent canonist and statesman who wrote in the reigns of Henry V. and VI.

(*d*) Sir Robert Phillimore in *Martin v. Mackonochie*, L. R. 2 A. & E. 116, 153. See also Lord Hardwicke in *Middleton v. Crofts*, Str. Rep. 1056, 2 Atkyns' Rep. 650.

(*e*) Steph. Com. 13th ed. vol. i. p. 18.

A review of the Canon Law was directed on the Reformation, in the reign of Henry VIII., and it was enacted by 25 Hen. VIII. c. 19, that, until such review should be made, all canons, constitutions, ordinances, and synods provincial, being then already made, and not repugnant to the law of the land or the King's prerogative, should still be used and executed (*f*). No such review has yet been completed, and consequently the authority of the Canon Law depends upon this statute, the effect of which is: that all canons made prior to the statute, which are not contrary to the Common Law, Statute Law, or the royal prerogative, bind both the clergy and the laity (*g*), but that canons made since that period bind the clergy, but are not binding on the laity (*h*), except in those cases in which they hold ecclesiastical offices (*i*).

Authority of Canon Law depends on stat. 25 Hen. VIII. c. 19.

Certain canons which were enacted by the clergy in Convocation (*k*) in 1603 and sanctioned by the Charter

The Canons of 1603.

(*f*) 25 Hen. VIII. c. 19, s. 7.

(*g*) As to distinction between clerics and laity, see *post*, chapter on Clergy and Laity.

(*h*) Steph. Com. 13th ed. vol. i. p. 19.

(*i*) Burn's Ecclesiastical Law, 9th ed. p. xxx.

(*k*) Convocation is an assembly of the clergy called by the archbishop of the province. It consists of two distinct Houses—viz., the Upper House, in which the archbishop and bishops of the province sit, and the Lower House, which is composed of the deans, archdeacons, and proctors, representing the chapters and parochial clergy. Each chapter sends one proctor or representative; and the beneficed clergy in each diocese in Canterbury two proctors; but, on account of the small number of dioceses in the province of York, the beneficed clergy in each archdeaconry of that province elect two proctors. By special licence from the

Not confirmed
by Parliament,
and so do not
bind the laity.

of James I., as they were never confirmed by Parliament, have been held not to bind the laity, except so far as they are merely declaratory of the ancient Common Law (*l*). It is uncertain how far these canons are obligatory upon the clergy, but it seems generally understood that they are binding on them (*m*).

The Common
Law.
The Ecclesias-
tical Common
Law :

The Common Law is the common municipal law or rule of justice throughout the kingdom; but besides the Common Law of England, which governs the Ecclesiastical as well as all other Courts in the kingdom, there is a Common Law (*jus commune ecclesiasticum*) peculiar to the Church of England, which runs by the side of the Statute Law, and assists in its constructions (*n*). "Generally the existence of this *jus non scriptum* is ascertained by reports of adjudged cases, but it may be proved by other means; for instance, it may be proved by public notoriety, or be deducible from principle and analogy, or be shown by legislative recognitions" (*o*). When

how proved.

Sovereign, Convocation may legislate by making canons; but except in one instance, in the year 1861, it has long ceased to exercise any legislative power. A separate Convocation is held for each province: Steph. Com. 13th ed. vol. ii. p. 458. Anciently the lower clergy sat in the same house with the bishops; and in the province of York, the bishops and other clergy still sit together in the same house: Burn's Ecclesiastical Law, 9th ed. vol. ii. p. 25, tit. "Convocation."

(*l*) *Middleton v. Croft*, Str. Rep. 1056, 2 Atkyns' Rep. 650; *Bishop of Exeter v. Marshall*, 3 H. L. 17.

(*m*) Burn's Ecclesiastical Law, 9th ed. vol. i. p. xxx.

(*n*) Sir Robert Phillimore in *Martin v. Mackonochie*, L. R. 2 A. & E. 195, 196.

(*o*) Sir John Nicholl in *Wilson v. M' Math*, 3 Phill. pp. 78, 79.

proved, the Ecclesiastical Common Law has the same force in the administration of ecclesiastical matters as the Common Law proper.

The greater part of ecclesiastical legislation since the Acts of Submission, 1534 (*p*), has been embodied in Acts of Parliament (*q*). The Book of Common Prayer is enforced by, and embodied in, the Act of Uniformity of 1662 (*r*), and the Thirty-nine Articles are in effect, although not expressly, embodied in Acts (*s*) requiring all ecclesiastical persons to declare their assent to them, and awarding penalties for maintaining doctrines contrary to the Articles.

The Statute Law.

Book of Common Prayer and Thirty-nine Articles enforced by Act of Parliament.

The Canons of 1603 are not sanctioned by any statute. In cases where the various elements of the Ecclesiastical Law come in conflict with each other, the Civil Law submits to the Canon Law, both of them to the Common Law, and all three to the Statute Law (*t*).

Canons of 1603. Order in which the various elements of Ecclesiastical Law rank.

- (*p*) 25 Hen. VIII. c. 19.
- (*q*) Blunt's Book of Church Law, 8th ed. p. 24.
- (*r*) 13 & 14 Car. II. c. 4.
- (*s*) 13 Eliz. c. 12, and 28 & 29 Vict. c. 122.
- (*t*) Burn's Ecclesiastical Law, 9th ed. vol. i. p. xi.

ECCLESIASTICAL DIVISIONS OF ENGLAND.

Ecclesiastical
provinces and
divisions.

ENGLAND, for ecclesiastical purposes, is divided into the two provinces of the Archbishops of Canterbury and York, and these provinces are again sub-divided into the dioceses of the respective bishops of the Established Church.

Provinces of
Canterbury
and York—
bishopsrics
included in.

The Archbishopric of Canterbury includes all the bishopsrics except those of Chester, Durham, Carlisle, Ripon, Manchester, and Sodor and Man, these latter being included in the Archbishopric of York (*u*).

Number of
bishopsrics.

The number of bishopsrics was until recently 19 for the province of Canterbury and 6 for the province of York. The following new bishopsrics have, however, been created:—St. Albans, by the Bishopric of St. Albans Act, 1875 (38 & 39 Vict. c. 34), and Truro, by the Bishopric of Truro Act, 1876 (39 & 40 Vict. c. 54) (*x*), both of which are comprised in the Archbishopric of

(*u*) Formerly there was an Archbishopric of Caebleon, in Wales, but that see and the whole of Wales were made subject to the Archbishops of Canterbury in the reign of Henry I.; Steph. Com. 13th ed. vol. ii. p. 584.

(*x*) See also 41 & 42 Vict. c. 44.

Canterbury. The Bishopric of Manchester was created in 1847 by the Bishopric of Manchester Act (10 & 11 Vict. c. 108) (*y*). By the Bishoprics Act, 1878 (*z*), provision is made for the endowment of four new Bishoprics of Liverpool, Newcastle (*a*), Southwell, and Wakefield. The Act provides for contributions by the Bishopric of Chester to the endowment of Liverpool, by the Bishopric of Durham to the endowment of Newcastle, by the Bishoprics of Lincoln and Lichfield to Southwell, and by the Bishopric of Ripon to Wakefield.

The Sees of Gloucester and Bristol were united by an Order in Council made in pursuance of 6 & 7 Will. IV. c. 77. They were disunited again and the Bishop of Bristol reconstituted as a separate bishopric, with a diocese and cathedral church, in 1884, by 47 & 48 Vict. c. 66.

Bishoprics of
Gloucester
and Bristol.

Each of the archbishops and the Bishops of London, Durham, and Winchester, and twenty-one other bishops, have, in right of their sees, a seat in the House of Lords. The Bishop of Sodor and Man is in no case a lord spiritual, and has no seat in the House of Lords. The number of lords spiritual sitting and voting in the House of Lords is not to be increased by the creation of new bishoprics.

Lords
spiritual.

(*y*) See also 41 & 42 Vict. c. 68, s. 11; 13 & 14 Vict. c. 41; and 31 & 32 Vict. c. 114, s. 15.

(*z*) 41 & 42 Vict. c. 68.

(*a*) The stat. 47 & 48 Vict. c. 33, provides for the foundation of a Dean and Chapter for the Bishopric of Newcastle, and for the transfer to the cathedral church of Newcastle of one of the canonries in the cathedral church of Durham, and for the transfer of certain ecclesiastical patronage to the Bishopric and Chapter of Newcastle.

When any vacancy amongst the lords spiritual occurs through the avoidance of the Sees of Canterbury, York, London, Durham, or Winchester, the new bishop appointed to that see takes the seat; but, when any vacancy occurs through the avoidance of any of the other sees, the bishop who has been longest bishop of a see without a seat in the House of Lords supplies the vacancy (*b*).

Divisions of
dioceses.

The dioceses of the bishops are again sub-divided into archdeaconries. There exists in each of these divisions a Court for the trial of all ecclesiastical causes which arise within its local bounds. It is usually discretionary with the suitor whether he will commence proceedings before the archdeacon or the bishop (*c*). Appeals (except from peculiars) (*d*) lie from the Archdeacon's Court to the Bishop's Court, from the Bishop's Court to the archbishop of the province, and from the archbishop to the Privy Council.

Appeals.

Archdeaconries are sub-divided into rural deaneries, and the rural deaneries again into parishes (*e*).

Contiguous benefices may be united by the archbishop of the province, with the consent, in writing, of the patrons, where the aggregate population does not exceed

(*b*) 10 & 11 Vict. c. 108; 38 & 39 Vict. c. 34; and 41 & 42 Vict. c. 68.

(*c*) The greater part of the offences by clergymen come under the Church Discipline Act, the Clergy Discipline Act, 1892, or the Public Worship Regulation Act, under each of which Acts there is a special course of procedure before the bishop, as to which see *post*, chapters on these Acts.

(*d*) As to peculiars, see *post*, next chapter.

(*e*) As to rural deans, see *post*, chapter on Clergy and Laity.

1,500 persons, and the aggregate yearly value does not exceed £500 (*f*). Where two benefices are so united, the bishop of the diocese may, upon the application, in writing, of the incumbent and patron or patrons of the benefice, and with the consent of two-thirds of the parishioners of the united benefices, in vestry, constitute the parish church of one benefice the parish church of both, and pull down the parish church of the other or leave it standing as a chapel of ease (*g*).

In *McBean v. Deane* (*h*), where a union of benefices had been made, and certain annuities granted to the retiring incumbent and his assigns out of the annual income of the united benefices, and made a first charge thereon during the joint lives of himself and the incoming incumbent of the united benefice so long as the latter should perform the duties of his office, it was held that such annuities were not a benefice with cure within 13 Eliz. c. 20, and accordingly could be validly mortgaged by the retiring incumbent.

(*f*) 1 & 2 Vict. c. 106, s. 16. See also 13 & 14 Vict. c. 98, and 23 & 24 Vict. c. 142.

(*g*) 34 & 35 Vict. c. 90.

(*h*) 30 Ch. D. 520.

COURTS HAVING ECCLESIASTICAL JURISDICTION.

Ecclesiastical Courts. THE ordinary Ecclesiastical Courts are:—

1. The Court of the Primates, or Provincial Courts.
2. The Diocesan Courts.
3. The Courts of the Archdeacons (*i*).

The Provincial Courts. The Provincial Courts in the province of Canterbury are the Court of Arches and the Court of Peculiars; and in the province of York, the Chancery Court. The Provincial Courts of the Archbishop of Canterbury and York are independent of each other, the process of one province not running into the other, but being sent by a requisition to the local authority for execution. The appeal from the Provincial Courts lies to the Privy Council (*j*).

Appeals from Provincial Courts.

Court of Arches.

The Court of Arches exercises a general appellate jurisdiction from each of the Diocesan and most of the Peculiar Courts within the province of Canterbury. It also takes original cognizance of causes which properly belong to inferior Courts within the province, but in

(*i*) See Report by the Ecclesiastical Commissioners, dated the 15th of February 1832; Phillimore's Ecclesiastical Law, 2nd ed. 922. The jurisdiction of the peculiars (as to which see *post*, p. 14), once nearly 300 in number, is practically abolished (see 3 & 4 Vict. c. 86; 6 & 7 Will. IV. c. 77, s. 10; 3 & 4 Vict. c. 86; 10 & 11 Vict. c. 98; 13 & 14 Vict. c. 94, s. 24); Phillimore's Ecclesiastical Law, 2nd ed. 215; and the Court of Audience has fallen into disuse.

(*j*) 2 & 3 Will. IV. c. 92, s. 3.

respect of which the inferior judge has waived his jurisdiction *by letters of request* (*k*).

In fact, in any case where a Diocesan Court within the province of Canterbury has jurisdiction over the parties application may be made to the judge of such Court for letters of request. If the judge of the inferior Court consents to the application, he *signs* the letters, which are then *accepted* by the judge of the Court of Arches, and upon this a decree issues from the Arches Court requiring the defendant to appear there (*l*). It is usual to allow letters of request, except in matters of minor importance.

The judge of this Court was the Official Principal of the Arches Court, and was commonly known as the Dean of Arches. The two offices of Official Principal and Dean of Arches were, however, totally distinct, although they had long been united in the same person. The Official Principal was, strictly speaking, the representative of the Archbishop of Canterbury and the judge in ordinary ecclesiastical matters. The Dean of Arches was the judge of the Peculiars and other places exempt from the ordinary jurisdiction of the bishop, but subject to the archbishop (*m*). A suggestion was contained in the Public Worship Regulation Act, 1874 (*n*), that the Archbishops

Letters of request.

Judge of the Court "Official Principal."

Dean of Arches.

A single judge now appointed as judge of all the Provincial Courts.

(*k*) Report of the Ecclesiastical Commissioners, dated 15th February 1832, p. 11; Steph. Com. 7th ed. vol. iii. p. 306.

(*l*) Burn's Ecclesiastical Law, 9th ed. vol. iii. p. 225, tit. "Practice."

(*m*) Brice's Public Worship, p. 393.

(*n*) 37 & 38 Vict. c. 85, s. 7.

of Canterbury and York should together appoint a single judge, who should be judge of both the Provincial Courts of Canterbury and York. And, pursuant to this suggestion, Lord Penzance has been appointed judge of the two Courts, and to him as judge of the Provincial Courts all appeals from the inferior Courts will lie.

The Court of
Peculiars.

The Court of Peculiars is a branch of the Court of Arches, to which it is annexed. It has jurisdiction over all those parishes which, dispersed through the province of Canterbury or the various dioceses, are exempt from the bishop's jurisdiction and subject to the archbishop's only (*o*).

Judge of the
Court of
Peculiars.

The judge of this Court was formerly the Dean of Arches (*p*), and appeals lay from his decisions to the Privy Council (*q*). The present judge of the Court, as has been before pointed out, is Lord Penzance, the judge appointed under the provisions of the Public Worship Regulation Act (*r*).

The Chancery
Court.

The Chancery Court occupies the same position in the province of York as the Court of Arches in the province of Canterbury, and is a general Court of Appeal for the Diocesan Courts of that province. The judge was called the "official principal or auditor," and was appointed by the archbishop, and is now the judge appointed by the two archbishops jointly under the Public Worship Regu-

(*o*) Steph. Com. 13th ed. vol. iii. p. 346.

(*p*) Brice's Public Worship, p. 393.

(*q*) 2 & 3 Will. IV. c. 92, s. 3.

(*r*) 37 & 38 Vict. c. 85.

lation Act (*s*). All appeals from the Arches Court, Court of Peculiars, and Chancery Court lie to the Privy Council (*t*).

The Diocesan or Consistory Courts take cognizance of all matters arising locally within their respective limits, except such places as are subject to peculiar jurisdiction. They administer generally all branches of Ecclesiastical Law (*u*).

Diocesan or
Consistory
Courts.

The judge is the bishop's chancellor, or his commissary (*v*), from whom an appeal lies to the Provincial Court of the archbishops (*x*).

Judge of Con-
sistory Court.

The Archdeacon's Court is generally subordinate to the Bishop's Court, and appeals from it lie to that Court (*y*); but when the archdeacon has a peculiar it is independent of and co-ordinate with the Bishop's Court (*z*), in which case the appeal is to the archbishop (*a*). The jurisdiction of this Court usually comprises all ecclesiastical causes arising within the archdeaconry, but the authority of

The
Archdeacon's
Court.

Jurisdiction
usually com-
prises all
causes within
the arch-
deaconry.

(*s*) 37 & 38 Vict. c. 85.

(*t*) 2 & 3 Will. IV. c. 92, s. 3.

(*u*) Burn's Ecclesiastical Law, 9th ed. vol. ii. p. 30, f. tit. "Courts."

(*v*) The commissary is an officer who exercises spiritual jurisdiction in those parts of the diocese which are too far distant from the chief city for the chancellor to call the people to the Bishop's principal Court without occasioning them great inconvenience. He acts generally in relief of the bishop or archbishop, and as his officer: Brown's Law Dictionary, tit. "Commissary."

(*x*) 24 Hen. VIII. c. 12; Steph. Com. 13th ed. vol. iii. p. 345.

(*y*) 24 Hen. VIII. c. 12.

(*z*) Burn's Ecclesiastical Law, 9th ed. vol. ii. p. 30, f. tit. "Courts."

(*a*) *Ibid.* vol. i. pp. 97a-97b, tit. "Archdeacon."

some of them is limited to a part only of the matters usually the subject of ecclesiastical cognisance (*b*). The Judge. judge of the Archdeacon's Court is appointed by the archdeacon and called his official (*e*).

Peculiars. Before dismissing the subject of Courts, attention must be drawn to the now almost obsolete Courts of Peculiars, once nearly 300 in number, but now practically abolished by recent legislation.

A "peculiar," in the ecclesiastical sense of the term, is a district exempt from the jurisdiction of the ordinary of the diocese. They are of several kinds:—Royal peculiars; Various kinds of peculiars. peculiars belonging to the archbishops, bishops, deans, deans and chapters, archdeacons, prebendaries, and canons, and even to rectors and vicars. They are called exempt jurisdictions, not because they are under no ordinary, but because they are not under the ordinary of the diocese, but have one of their own (*d*).

Jurisdiction of peculiars. The jurisdiction exercised in these different Courts was not defined by any general law. And it was often extremely difficult to ascertain over what description of causes the jurisdiction of any particular Court operated (*e*). The peculiars have, however, been deprived of their chief power by recent Acts. By the Church Discipline Act (*f*),

(*b*) Report of the Ecclesiastical Commissioners, 15th Feb. 1832.

(*c*) Burn's Ecclesiastical Law, 9th ed. vol. i. p. 97, tit. "Archdeacon"; Steph. Com. 13th ed. vol. iii. p. 345.

(*d*) Burn's Ecclesiastical Law, 9th ed. vol. iii. pp. 91-94.

(*e*) Report of the Ecclesiastical Commissioners, 15th Feb. 1832.

(*f*) 3 & 4 Vict. c. 86, s. 22.

and the Clergy Discipline Act (*g*), the archbishop or bishop within whose province or diocese any peculiar is locally situate, has jurisdiction over it, for all purposes of that Act, unless such peculiar already belongs to an archbishop or bishop, in which case the jurisdiction is reserved to the latter.

The Ecclesiastical Commissioners are also empowered by various statutes to frame schemes for the abolition of peculiars (*h*).

Generally the bishop either acting personally or through his chancellor is the ordinary, but the holder of a peculiar may be the ordinary for the peculiar—*e.g.*, in *Parham v. Templar* (*i*), the Dean and Chapter of Exeter Cathedral were held to have co-ordinate jurisdiction with the bishop, and to be entitled to put up an ornament in the cathedral without his faculty.

The term ordinary is nowhere fully defined in any of the writers on Ecclesiastical Law. Lord Coke says (*k*) “*Ordinarius*, and so he is called in ‘Ecclesiastical,’ *quia habet ordinarium jurisdictionem in jure proprio, et non per deputationem*. The name we have anciently taken from the canonists, and doe apply it only to a bishop, or any other that hath ordinary jurisdiction in causes ecclesiastical.”

Who is the
“Ordinary.”

Meaning of
the term
“Ordinary.”

(*g*) 55 & 56 Vict. c. 32, s. 10.

(*h*) See 6 & 7 Will. IV. c. 77, s. 10; 13 & 14 Vict. c. 76, and c. 94, s. 24.

(*i*) 3 Phill. 241, 247. See also *Boyd v. Phillpotts*, L. R. 4 Ad. & Eccl. 297; L. R. 6 P. C. 435. See also Brice's Public Worship, p. 301.

(*k*) First Institutes, 96a.

FACULTIES.

Faculties. A FACULTY is a dispensation, licence, or permission, proceeding from a competent authority, allowing the doing of some act which would be otherwise illegal, or confirming some act done without the needful authority.

Ordinary purposes for which faculties are granted.

The chief purposes for which faculties are granted are for alterations in the church or churchyard, ordinary instances being for the pulling down or rebuilding, altering or repairing of a church, adding to or altering the ornaments or monuments in it, appropriating pews, putting up bells or organs, making, opening, or appropriating vaults, erecting or altering gravestones, or removing bodies buried in consecrated soil (*l*). In which latter case the Court usually inserts provisions providing so far as it reasonably can for the wishes of the relatives of the deceased—*e.g.*, exempting from the operation of the faculty ancient family vaults (*m*), and allowing remains to be removed to consecrated burial grounds selected by the relatives (*n*).

(*l*) Brice's Public Worship, pp. 312-319.

(*m*) *Rector, &c., of St. Helen's, Bishopsgate, &c. v. Parishioners*, [1892] P. 259.

(*n*) *Rector, &c., of St. Mary-at-Hill v. Parishioners*, [1892] P. 394; *Rector, &c., of St. Michael Bassishaw v. Parishioners*, [1893] P. 233.

In the case of the Holy Trinity Church, Stroud Green (*o*), the Court granted a faculty for the erection of a communion table in a side chapel of a church, the church already having a communion table in the usual position. The grounds for the erection of this second communion table were, that the use of the side chapel for the celebration of the Holy Communion would cause a saving of expense and be more convenient. And in the case of St. Agnes, Toxteth Park (*p*), a faculty for chancel gates was granted, it being shewn that the chancel, from its richness, required protection (*q*).

The Consistory Court of London has refused a faculty to remove a body merely for the purpose of cremating it (*r*).

A pew may be annexed to a dwelling house in the parish by a faculty, and the grant of a faculty may be presumed from a long exclusive possession and repair of the pew (*s*).

Cathedrals are exempt from the general rule that any alterations in the church requires a faculty, and the dean

(*o*) 12 P. D. 199. See also the case of *St. Anne's, Limehouse v. Parishioners*, [1901] P. 73.

(*p*) 11 P. D. 1.

(*q*) For instances of faculties for gates to a chancel screen see *St. James, Norland (Vicar, &c.) v. The Parishioners of same*, [1894] P. 256, and *St. Andrew's, Romford (Rector, &c.) v. All Persons having interest*, [1894] P. 220.

(*r*) In the matter of Lieut.-Col. Dixon, [1892] P. 386.

(*s*) See *Stocks v. Booth*, 1 T. R. 428; *Phillips v. Halliday*, [1891] A. C. 228. But see also *Proud v. Price and others*, Times L. R. 1892-3, vol. ix. p. 411; 1893-4, vol. x. p. 21; and *Stileman-Gibbard v. Wilkinson*, [1897] 1 Q. B. 749.

and chapter may make an alteration in the cathedral without the previous consent of the bishop (*t*).

Granting of a faculty is a matter of discretion.

Where the grant or refusal of a faculty is merely a matter for the discretion of the ordinary, the faculty ought not to be granted, unless it be proved to the satisfaction of the ordinary that if the proposed alterations are carried out the church will be thereby rendered more convenient, more fit for the accommodation of the parishioners who worship there, more suitable, more appropriate, or more adequate to its purposes; or that there exists either on the part of the parishioners generally, or of the parishioners actually attending the church, a general desire in favour of the faculty being granted (*u*).

In the case of *Nickalls v. Briscoe* (*v*), it was held by the Consistory Court of Rochester (*x*), that in a contested case of faculty, memorials signed by parishioners, asking that the faculty prayed for be granted, are inadmissible as evidence, the proper way (the chancellor intimated) of proving the opinion of the parish being by proof of a resolution of the vestry.

Faculties can only be issued with respect to consecrated places.

The Ecclesiastical Courts should only issue faculties with respect to matters parcel of, or appertaining to,

(*t*) *Boyd v. Phillpotts*, L. R. 4 Ad. & Eccl. 297, affirmed on app. *Phillpotts v. Boyd*, L. R. 6 P. C. 435.

(*u*) *Peek v. Thrower*, 7 P. D. 21.

(*v*) [1892] P. 269.

(*x*) L. T. Dibden, K.C., Chancellor. But such memorials were admitted in the case of *The Vicar of Tetbury v. The Churchwardens, &c., of Tetbury*, [1892] P. 271, n. 2.

consecrated places. For instance, on the application for the appropriation of a vault, the only access to which was from unconsecrated ground, the Privy Council allowed the grant to issue only on the condition that the grantee should appropriate and consent to the consecration of a sufficient piece of ground near the opening of the vault so as to make the opening in consecrated ground (*y*).

Faculties cannot be granted to turn to secular purposes things which have been consecrated—*e.g.*, to convert a part of a churchyard into a highway (*z*)—although the application be made with the consent of all persons interested.

Cannot be granted to turn consecrated things to secular purposes.

Nor can a faculty be granted authorizing the erection of an unlawful ornament—*e.g.*, a baldacchino (*a*).

On an application for a faculty to sanction the appropriation of a portion of a churchyard, closed for burials by an Order in Council, for a public garden the Court authorized the construction of footpaths for the convenience of parishioners, the taking down of high walls, and the erection of gates so as to give access to the

Faculty to authorize the making of a churchyard into a public garden.

(*y*) *Rugg v. Kingsmill*, L. R. 2 P. C. 59, 67.

(*z*) *Rector, &c. of St. John's Walbrook v. Parishioners*, 2 Rob. Eccl. Rep. 515; 16 Jur. 645. See also *Harper v. Forbes*, 5 Jur. (N. S.) 275, and *Reg. v. Twiss*, 4 Q. B. 407. This can, of course, be done where an Act of Parliament authorizes such an alteration. For an instance of this, see *Vicar, &c. of St. Botolph Without v. Parishioners, &c.*, [1892] P. 161.

(*a*) *White v. Bowron*, L. R. 4 A. & E. 207.

churchyard (*b*). Faculties have also been granted allowing disused burial grounds to be used for purposes of electric lighting (*c*).

Vaults in disused churchyards.

The rule of the Consistory Court of London in such a case is, where a private vault is in good repair, not to interfere with it without the consent of the family; but where it is in a dilapidated condition, unless the family come forward to repair it, to order it to be levelled with the ground and filled up, taking care that all memorial slabs belonging to it on which inscriptions are legible be carefully preserved in the churchyard, and placed as near the vault as convenience will permit (*d*).

The granting of faculties is in the discretion of the ordinary.

When once granted they are irrevocable and can only be revoked on appeal.

The fabric and furniture of the church

The granting or withholding of a faculty is left to the discretion of the ordinary; but this must be a sound discretion. Once made, a faculty is irrevocable, even by the ordinary himself (*e*). If, however, it have been fraudulently or surreptitiously obtained, it may be revoked on appeal to a Superior Court (*f*). No person is allowed to deal with the fabric or furniture or ornaments (*g*) of a church except under the authority of a

(*b*) *In re the Rector and Churchwardens of St. George's-in-the-East*, 1 P. D. 311. See also *In re Bettison*, L. R. 4 A. & E. 294.

(*c*) *In re St. Nicholas Cole Abbey; In re St. Benet Fink Churchyard*, [1893] P. 58.

(*d*) See *Vicar, &c. of St. Botolph Without, Aldgate v. Parishioners*, [1892] P. 173.

(*e*) *Fuller v. Lane*, 2 Add. 431.

(*f*) *Butt v. Jones*, 2 Hagg. Eccl. 426; *Rugg v. Kingsmill*, L. R. 2 P. C. 59.

(*g*) *Vincent v. Tomlinson*, [1897] P. 1.

faculty. And this is so even if unlawful ornaments have been introduced surreptitiously into the church, and although the persons removing them have acted in the interest of peace and quietness (*h*). If the ornaments have *de facto* been attached to the sacred edifice, they can only be taken away under the sanction of the proper ecclesiastical authority (*i*).

can only be dealt with under the authority of a faculty.

Even although unlawful ornaments have been introduced.

(*h*) *Deudney v. Good and Ford*, 7 Jur. (N. S.) 637; *Cardinall v. Molyneux*, De G. F. & J. 117; 7 Jur. (N. S.) 605; *Ritchings v. Cordingley*, L. R. 3 A. & E. 113.

(*i*) Brice's Public Worship, p. 314.

PART II.



CLERGY AND LAITY.

CHURCHES AND CHAPELS.

THE ORDERS AND OFFICERS OF THE CHURCH.

DOCTRINE AND ORNAMENTS.

CHURCH PROPERTY:—

ADVOWSONS.

CHURCH LANDS.

TITHES.

PENSIONS, OFFERINGS, AND FEES.

CLERGY AND LAITY.

THE Church of England consists of two classes—the clergy and laity. The clergy consists of such, and such Clergy. only, as have been admitted into *holy orders*; which are Holy orders. the order of bishops (including archbishops), priests, and deacons (*a*).

The term “laity” includes all persons not in holy Laity. orders. It is, however, sometimes applied in a more limited sense to those inhabitants of England and Wales who have not by any overt act declared their dissent from the communion of the Church, and in a still more contracted sense it is sometimes confined to those who receive the Holy Communion “at least thrice in the year (whereof the feast of Easter to be one), according as they are appointed by the Book of Common Prayer” (*b*).

No one can be ordained a deacon (except by faculty or Priests and dispensation granted by the Archbishop of Canterbury) (*c*) deacons.

(*a*) Steph. Com. 13th ed. vol. ii. p. 579.

(*b*) Blunt's Book of Church Law, 9th ed. p. 2; Can. 21.

(*c*) Phillimore's Ecclesiastical Law, 2nd ed. p. 95; Preface to Form of Ordination. The office of deacon, although at present used only as a step to the priesthood, was in the times of the Primitive Church a separate and distinct office, which the deacon held in many cases without ultimately becoming a priest. It appears to be an open question whether the office of a deacon could in the Early Church be held by a person exercising a secular

Age. until he has attained the age of twenty-three years, or a priest until he has attained the age of twenty-four years (*d*). No dispensation as regards age can be made in the case of a priest (*e*).

Declaration on ordination.

Before ordination the priest or deacon must make and subscribe a declaration of assent to the Thirty-nine Articles, the Book of Common Prayer, and the Ordination Service. The form of the declaration prescribed also includes an assertion of belief that the doctrine of the Church, as set forth in the Thirty-nine Articles and Book of Common Prayer, is agreeable to the Word of God, and a declaration that in public prayer, and administration of the sacraments, he will use the form in the said book prescribed and none other, except so far as ordered by lawful authority (*f*).

Oaths on ordination.

The candidate must also prior to ordination take an oath of allegiance to the King (*g*) (this oath may be dispensed with in the case of an alien ordained to exercise the office of deacon or priest out of the dominions of the Crown) (*h*), and an oath of canonical obedience to the bishops (*i*).

calling. At the present time a deacon is prevented from following any secular calling by the statutes 1 & 2 Vict. c. 106, s. 27, and the 75 and 76 canons.

(*d*) 44 Geo. III. c. 43; 13 Eliz. c. 12; Can. 34.

(*e*) Phillimore's Ecclesiastical Law, 2nd ed. p. 95; Gibs. 146.

(*f*) 28 & 29 Vict. c. 122, ss. 1, 4.

(*g*) 28 & 29 Vict. c. 122, s. 4. The form of oath is prescribed by 31 & 32 Vict. c. 72, ss. 2, 8.

(*h*) 24 Geo. III. c. 35.

(*i*) 28 & 29 Vict. c. 122, s. 12; 31 & 32 Vict. c. 72, s. 14.

By the Canon Law no person is to be admitted a priest Title. or deacon without a *title*—that is, unless he exhibits to the bishop a presentation of himself to some vacant ecclesiastical preferment in the diocese; or brings the bishop a certificate that he is provided with some church or minister's place, where he may execute his ministry, or unless he is a fellow or chaplain in some college in Cambridge or Oxford; or a master of arts of five years' standing, living in either of the Universities at his own charge; or unless he is shortly after to be admitted by the bishop to some benefice or curateship then void (*k*).

The clergy, by virtue of their office, have certain privileges, and are subject to certain disabilities. Privileges and disabilities of the clergy.

Amongst their privileges are exemptions from serving Privileges. on juries, or filling any temporal office, such as bailiff, reeve, constable, or the like (*l*). A clergyman is also exempt from arrest on civil process whilst celebrating divine service, or going to, or returning from, such celebration. And the person executing such process is guilty of a misdemeanor and liable to imprisonment, with hard labour, for any term not exceeding two years (*m*). Ecclesiastical goods (which are any benefits attached to an ecclesiastical office—for instance, the glebe or tithes), cannot be seized in execution to satisfy a judgment, and the only remedy of the creditor is by a sequestration levied by the bishop of the diocese (*n*).

(*k*) Can. 33.

(*l*) Steph. Com. 13th ed. vol. ii. p. 581.

(*m*) 24 & 25 Vict. c. 100, s. 36.

(*n*) Steph. Com. 13th ed. vol. ii. p. 581; Phillimore's Ecclesias-

Disabilities. Some of the disabilities to which the clergy are liable are that they cannot, whilst holding any ecclesiastical office, be elected members of the House of Commons (*o*), or councillors, or aldermen in boroughs (*p*), and they are also, with certain exceptions, prohibited from farming or trading (*q*).

Bankruptcy of an incumbent. On the bankruptcy of a beneficed clergyman the trustee in his bankruptcy may apply for a sequestration of the profits of his benefice. The certificate of the appointment of the trustee is sufficient authority for the granting of the sequestration without any writ or other proceeding.

The bishop of the diocese in which the benefice is situate may, if he think fit, appoint to the bankrupt such or the like stipend as he may appoint to a curate duly licensed to serve the benefice in case the bankrupt had been non-resident. In such case the sequestrator pays to the bankrupt the sum so appointed out of the profits of the benefice to the bankrupt by quarterly instalments while he performs the duty of the office.

Curate's salary. The sequestrator also pays out of the profits of the bene-

tical Law, 2nd ed. p. 1075. Sequestration is a process by which a sum due on a judgment recovered against a clergyman is directed to be levied by the churchwardens out of the profits of the benefice, for the use of the creditor, after making provision for the services of the church. As to process on sequestration, see *post*, chapter on Punishments. Sequestration, when an ecclesiastical punishment, takes precedence, though later in date, over one issued at the suit of a creditor.

(*o*) 41 Geo. III. c. 63, s. 4.

(*p*) 5 & 6 Will. IV. c. 76, s. 28.

(*q*) 1 & 2 Vict. c. 106, ss. 28—30.

rice any curate's salary in respect of duties performed by such curate during four months before the date of the receiving order, not exceeding 50*l.* (*r*).

The discharge of the bankrupt will not discharge the sequestration if the debts provable in the bankruptcy remain unpaid (*s*).

In the case of incumbents presented or collated after the 1st January, 1899 (the date of the commencement of the Benefices Act, 1898), if on bankruptcy, or in aid of any writ of execution against property, the benefit of such incumbent is sequestered within twelve months after his institution, or, if such sequestration, if issued after that period, continues for the space of one whole year; or if any such incumbent incurs two such sequestrations in the space of two years, the benefice shall, unless the bishop otherwise direct, become void (*t*).

A clergyman may farm the glebe, but by 1 & 2 Vict. c. 106, cannot take to farm for occupation by himself any land exceeding eighty acres in the whole for the purpose of occupying, or using, or cultivating the same, without the permission, in writing, of the bishop of the diocese, and every such permission must specify the number of years, not exceeding seven, for which such permission is given. Every spiritual person infringing this provision of the Act incurs a penalty of 40*s.* per acre for every acre

Benefice to become void in certain cases of sequestration.

May farm glebe but cannot take to farm more than 80 acres without licence.

(*r*) Bankruptcy Act, 1883, s. 52.

(*s*) *Re Lawrence*, [1896] P. 244.

(*t*) The Benefices Act, 1898.

above eighty so taken, for each year of occupation (*u*). The section would not appear to prevent a clergyman from farming lands of which he was seised in fee simple, or fee tail, or in which he had acquired an estate for life otherwise than for the purpose of farming (*v*).

Cases in which a clergyman may trade.

The statute also specifies some cases in which a clergyman may trade—viz., where the trading is carried on by more than six partners, or where a trade, or a share in a trade, has devolved upon him under or by virtue of any devise, bequest, inheritance, intestacy, settlement, marriage, bankruptcy, or insolvency, but in none of these cases is it lawful for the clergyman to act as a director, or managing partner, or to carry on such trade in person (*w*).

May engage in education, &c.

In addition to this he may keep a school or engage in any way in giving education; deal with booksellers for the disposal of books; be a manager, director, partner, or shareholder in any benefit, or fire or life assurance society; make the necessary sales arising from his school or house-

Make sales of the produce of his lands, &c.

keeping or land which he lawfully occupies; or sell any minerals obtained from his own lands; but none of these

Not to carry on transactions of sale personally in any fair or market.

transactions are to be done by him personally in any market, fair, or place of public sale (*x*). Where, however, a clergyman enters into a contract contrary to the above provisions, it may nevertheless be enforced against

Penalty for

him (*y*). Any spiritual person trading or dealing contrary

(*u*) 1 & 2 Vict. c. 106, s. 28.

(*v*) *Ibid.* See general purport of the section.

(*w*) 1 & 2 Vict. c. 106, s. 29. See also 4 & 5 Vict. c. 14.

(*x*) 1 & 2 Vict. c. 106, s. 30.

(*y*) *Lewis v. Bright*, 1 Ell. & Bl. 917.

to these provisions may for the first offence be suspended for a term not exceeding one year, for a second offence he may be suspended for such time as the judge thinks fit, and for a third offence be deprived *ab officio et beneficio*, and the patron or patrons may thereupon nominate to the benefice as if the person deprived were actually dead. The bishop during any such suspension is to sequester the profits of the office, and to apply the surplus, after deducting the necessary expenses, as nearly as possible in the manner directed on a monition for non-residence, except that no part of the profits is to be paid to the person suspended, or applied in satisfaction of a sequestration at the suit of a creditor (z).

trading contrary to provisions of stat. 1 & 2 Vict. c. 106.

It was provided by the Canon Law (a) that "No man being admitted a deacon or minister, shall from thenceforth voluntarily relinquish the same, nor afterwards use himself in the course of his life as a layman, upon pain of excommunication." Although the canon in terms only applied to a deacon or minister, yet it was always understood to apply to all who have been ordained to holy orders (b). It is, however, now provided by the Clerical Disabilities Act, 1870 (c), "That any minister in the Church of England may be discharged from all disabilities and restraint he is under as a minister of that church" (d).

Clerical Disabilities Act, 1870.

(z) 1 & 2 Vict. c. 106, s. 31.

(a) Can. 76.

(b) Blunt's Book of Church Law, 9th ed. p. 213.

(c) 33 & 34 Vict. c. 91.

(d) *Ibid.* ss. 3, 4

Release how obtained ;
by deed of re-
linquishment,
enrolled in
Chancery.
An office copy
of enrolment
must be given
to the bishop.

The deed is
recorded by
the bishop six
months after
delivery of
office copy of
the enrolment.

A clergyman
ceases to be
capable of
acting as a
minister of
the Church
of England.

To obtain his discharge he must first resign any preferments held by him, and then execute a deed of relinquishment (*e*) which must be enrolled in the Chancery Division and an office copy of such enrolment must be given to the bishop in whose diocese he last held a preferment, or if he has held no preferment, in whose diocese he is resident. Notice must also be given to the archbishop of the province. The bishop, six months after the office copy of the enrolment has been delivered to him on the application of the minister, records the deed in the registry of the diocese and thereupon (but no sooner) the minister becomes incapable of acting as a minister of the Church of England, and is free from all disabilities arising from that office (*f*), but remains liable for any pecuniary liability (*e.g.*, dilapidations) incurred by him (*g*).

If during the six months the bishop has notice of proceedings pending against the clerk, the latter will not be discharged from the liabilities of his office until the proceedings have terminated (*h*).

In a recent case where a clergyman executed a deed of relinquishment and enrolled it with a view of relinquishing his office, but did not take the further steps required by the Act, and subsequently altered his mind and abandoned his intention of relinquishing his office, it was held that the enrolment might be vacated (*i*).

(*e*) A form of the deed of relinquishment is given in the schedule to the Act.

(*f*) 33 & 34 Vict. c. 91, ss. 3, 4.

(*g*) *Ibid.* s. 8.

(*h*) *Ibid.* s. 5.

(*i*) *In re A Clergyman*, 15 Eq. 154.

By the Incumbents' Resignation Act, 1871 (*j*), clergy-
men permanently incapacitated by illness may resign their benefices, and provision may be made for payment to them of a pension out of the income of the benefice. The expediency of the resignation, and the amount of the pension (which must not exceed one-third of the net annual value of the benefice resigned after deducting all rates, taxes, and charges assessed upon, and payable out of it, exclusive of the parsonage, vicarage or other place of residence of the incumbent) (*k*) is reported to the bishops by Commissioners appointed under the Act (*l*). The pension is a charge on the revenues of the benefice, is recoverable as a debt (*m*), and cannot be transferred at law or in equity (*n*). In the case of pensions awarded after the 8th August, 1887, the amount of each half-yearly payment on account of the pension varies, and is regulated by the tithe averages, unless no part of the income of the benefice is derived from tithe rent-charge or glebe lands (*o*). Nor can the incumbent by whom the pension is payable claim any right of set-off for sums due to him previously to the retirement (*p*), except a sum payable by the pensioner on account of dilapidations under

Incumbents'
Resignation
Act, 1871.

(*j*) 34 & 35 Vict. c. 44.

(*k*) *Ibid.* ss. 8 and 11.

(*l*) See sect. 6 as to manner of their appointment.

(*m*) *Montagu v. Twyne*, Times L. R. 1892-3, p. 278.

(*n*) Sect. 10.

(*o*) Incumbents' Resignation Act, 1871; Amendment Act, 1887 (50 & 51 Vict. c. 23), s. 4.

(*p*) *Gathercole v. Smith*, 50 L. J. R. Ch. 671.

the Ecclesiastical Dilapidations Act, 1871 (*q*). The amount withheld on account of dilapidations in any one year must not exceed one-half of the total amount of the pension for such year, without the consent of the bishop of the diocese (*r*).

The amount of the retiring pension is to be paid with reference to the net annual value of the benefice at the date of the incumbent's resignation; and that, having been once fixed, the pension is not liable to subsequent alteration in consequence of a diminution in the net annual value of the benefice through agricultural depression, or through the formation of a part of the parish into a district chapelry (*s*).

The parsonage house belongs to the incumbent, and cannot be assigned in satisfaction of the whole or any part of the pension of the retired clerk (*t*).

It is not essential that the deed of resignation of a benefice should be made by the clerk before a notary public. The bishop can dispense with that formality, and accept a resignation made by a deed duly executed, and sent to him by the clerk.

The bishop's acceptance of the resignation need not be in writing, and no particular form is necessary. If the resignation is sent in at the bishop's request, no further acceptance is required.

(*q*) 50 & 51 Vict. c. 23, s. 6.

(*r*) *Ibid.*

(*s*) *Robinson v. Dand*, 17 Q. B. D. 341.

(*t*) 34 & 35 Vict. c. 44, s. 14.

Though the resignation of a benefice must (except in the case of an exchange) be absolute, not conditional, it is perfectly legal for the bishop to fix a future time at which the resignation, when accepted by him, shall come into actual operation, by his declaring the benefice vacant.

The resignation of a benefice is not void because it is made at the request of the bishop to avoid scandal and legal proceedings.

If the bishop, in accepting the resignation of a benefice, agrees to postpone the declaration of the vacancy in order to enable the clerk to receive the next accruing payment of tithe rent-charge, this does not render the resignation invalid as having been made for a pecuniary consideration.

A clerk who has tendered his resignation to the bishop cannot withdraw it, even before acceptance, if, in consequence of the tender, the position of any party has been altered—*e.g.*, if the bishop has been induced by the resignation to abstain from commencing proceedings in the Ecclesiastical Courts for the deprivation of the clerk (*u*).

(*u*) *Reichel v. Bishop of Oxford*, 35 Ch. D. 48.

CHURCHES AND CHAPELS.

Ministers of the Church cannot hold public worship in unconsecrated building without licence. Consecration proved by certificate of bishop.

ORDAINED ministers of the Church cannot hold public worship in any edifice, not duly consecrated, except by express licence in that behalf given by the bishop of the diocese in which the building is situated (*x*). Consecration is determined by the certificate of the bishop (*x*).

Consecrated buildings are divided into two classes—churches and chapels.

Church—definition of.

A church is the mother, or chief legal place of worship in a parish or other ecclesiastical district (*x*).

Chapels.

Chapels are divided into six classes (*y*).

Private chapels.

1. Private chapels (*z*) are built by some private person or corporation, at his or its charge. The expense of the repairs of the building and the maintenance of the chaplain are borne by the founder of the chapel. Private chapels

(*v*) *Freeland v. Neale*, 1 Rob. Eccl. 643, 12 Jur. 635; *Barnes v. Shore*, 1 Rob. 382, 390; *Kitson v. Drury*, 11 Jur. (N.S.) 273. The law takes no cognizance of a building used for public worship until it has been consecrated by the bishop: *Battiscombe v. Eve*, 9 Jur. (N.S.) 210, 7 L. T. (N.S.) 697; *Turner v. Parishioners of Hanwell*, 1 Notes of Cases, 368.

(*w*) Coke, 3 Inst. 203.

(*x*) Brice's Public Worship, p. 14.

(*y*) The term chapel also includes "side chapels," "lady chapels," and "aisles" attached to and forming a part of churches or cathedrals.

(*z*) An oratory is merely ordained for prayer, and is not a church: Burn's Ecclesiastical Law, 9th ed. vol. i. p. 296, tit. "Chapel."

ought to be consecrated by the bishop of the diocese (*a*).

The right of nomination to the chapel is in the founder, Right of nomination to the chapel. and not in the parson of the parish (*b*). By the Private

Chapels Act, 1871 (34 & 35 Vict. c. 66), the bishop of the diocese within which any chapel belonging to any college, school, hospital, asylum, or public or charitable institution is situated, whether consecrated or unconsecrated, may licence a minister of the Church of England to serve such chapel and to administer therein such offices and services (except the solemnization of marriage) as such licence shall specify. The minister is not subject to any control or interference of the incumbent of the parish or district in which the chapel is situated.

2. Free chapels are exempt from the jurisdiction of the Free chapels. ordinary. The incumbents are usually instituted by the bishop, and inducted by the archdeacon (*c*). By an Act passed in the reign of Edward VI. (*d*) all free chapels (with some few exceptions) were given to the King, and the power of visitation in a free chapel is now in the King (*e*), and is exercised by the Lord Chancellor (*f*).

3. Chapels of ease were originally built for the relief Chapels of ease. and ease of the inhabitants of remote hamlets, and were

(*a*) Lind. 233.

(*b*) Burn's Ecclesiastical Law, 9th ed. vol. i. p. 296, tit. "Chapel."

(*c*) As to institution and induction, see *post*, chapter on Advowsons.

(*d*) 1 Edw. VI. c. 14.

(*e*) Burn's Ecclesiastical Law, 9th ed. vol. i. pp. 298, 299, tit. "Chapel."

(*f*) Godb. 145.

- The joint consent of the bishop, patron, and incumbent required for their erection. Purposes for which they may be used. not allowed fonts at their institution (*g*). The joint consent of the bishop (diocesan), the patron, and the incumbent of the parish church was always necessary for their erection (*h*). Generally they can only be used for prayers and preachings, all sacraments and burials taking place in the mother church (*i*). Ordinarily the duty is performed by a curate, removable at the pleasure of the parish minister, the latter having the care of the chapel as well as the principal church (*k*). The right of nomination to a chapel of ease usually belongs to the incumbent of the parish church (*l*).
- Parochial chapel. 4. A parochial chapel has the rights of christening and burial, and only differs from a church in the want of a rectory and endowment (*m*). Chapels of ease which have reputed townships or districts attached may be made independent of the parish church, and the district into a separate parish with the consent of the bishop, patron, and incumbent of the parish, if a sufficient endowment be secured to them (*n*).
- Chapels of ease may be made independent of the parish church.
- District chapels. 5. District chapels are erected under the provisions of the numerous Church Building Acts (*o*). Under these
- (*g*) Gibs. 209.
 (*h*) Phillimore's Ecclesiastical Law, 2nd ed. p. 245.
 (*i*) Gibs. 209. Under special circumstances a chapel may have authority to administer baptism, and to bury, without ceasing to be a chapel of ease: Brice's Public Worship, p. 15.
 (*k*) Gibs. p. 209.
 (*l*) Phillimore's Ecclesiastical Law, 2nd ed. p. 1460.
 (*m*) *Ibid.* p. 1453.
 (*n*) 1 & 2 Will. IV. c. 38, s. 23; 1 & 2 Vict. c. 107, s. 7.
 (*o*) See 43 Geo. III. c. 108; 51 Geo. III. c. 115; and 52 Geo. III.

Acts the Church Building Commissioners may, with the consent of the bishop of the diocese, assign part of a single parish, or parts of contiguous parishes, to form an ecclesiastical district for a chapel already existing or to be built. The stipendiary curate is nominated by the incumbent of the parish.

6. Proprietary or subscription (*p*) chapels are the property of one or more proprietors. They are consecrated or more usually merely licensed by the bishop. The bishop can at any time revoke his licence, and it seems that the proprietors retain full rights of ownership, and may, when they will, devote the building to secular purposes (*q*). Proprietary chapels may be erected under the provisions of the Church Building Acts (*r*), special Acts (*s*), or by persons acting without any authority (*t*). The incumbent of a proprietary chapel cannot perform any parochial office within the building, or even distribute the alms collected at the Lord's Supper (*u*).

Proprietary or subscription chapels.

How erected.

Incumbent cannot perform parochial offices.

c. 161; 1 & 2 Vict. c. 107; 2 & 3 Vict. c. 49; 3 & 4 Vict. cc. 20 and 60; 8 & 9 Vict. c. 70; 9 & 10 Vict. cc. 68 and 88; 17 & 18 Vict. c. 32; 32 & 33 Vict. c. 94. See also 34 & 35 Vict. c. 90.

(*p*) See 5 Geo. IV. c. 103; 1 & 2 Will. IV. c. 38.

(*q*) Brice's Public Worship, p. 17.

(*r*) 5 Geo. IV. c. 103; 1 & 2 Will. IV. c. 38.

(*s*) See 7 Geo. IV. c. 3, and *Elphinstone v. Purchas*, L. R. 3 A. & E. 66, 78.

(*t*) *Barnes v. Shore*, 1 Rob. 382; 8 Ad. & E. 640; *Carr v. Marsh*, 2 Phill. 198; *Bosanquet v. Heath*, 9 W. R. 35.

(*u*) *Moycey v. Hillcoat*, 2 Hagg. Eccl. 50. See, however, *Liddell v. Rainsford*, 38 L. J. Eccl. 15.

THE ORDERS AND OFFICERS OF THE CHURCH.

The officers of the Church. THE various orders and officers of the Church of England are as follows :—

1. Archbishops.
2. Bishops, including suffragans.
3. Deans, including rural deans.
4. Canons, including honorary and minor canons.
5. Archdeacons.
6. Clerks in holy orders, which again admit of the following sub-divisions :—
 - (a.) Parsons or rectors.
 - (b.) Vicars.
 - (c.) Curates stipendiary.
 - (d.) Curates perpetual.
 - (e.) Ministers of chapels of ease.
 - (f.) Donees.
 - (g.) Chaplains.
 - (h.) Lecturers.
 - (i.) Readers.

None of the above dignities or offices (except that of reader) can be discharged by a layman. The following offices, however, can be, and are usually, held by laymen :—

- | | |
|-------------------|--------------|
| 7. Churchwardens. | 9. Sextons. |
| 8. Parish clerks. | 10. Beadles. |

Archbishops and bishops are constituted by election, confirmation, consecration, and installation, though an archbishop is more properly said to be enthroned, and not installed (*x*). Archbishops and bishops.

They are elected by the chapter of the cathedral church, by virtue of a licence called a *congé d'élire* from the Crown (*y*). The appointment is really made by the Crown. The king or queen regnant, on the avoidance of the archbishopric or bishopric, sends a licence (*congé d'élire*) to the dean and chapter to proceed to election, and with the licence a letter missive, containing the name of the person to be elected. No other person can be elected, and if the election be delayed for more than twelve days the Crown may nominate such person by letters patent (*z*). The consent of the person elected must, after election, be given before a notary public (*a*). The election is confirmed by letters patent. How elected.

The archbishop is the chief of all the clergy in his province, and has a general jurisdiction, or, as it is termed, power to *visit* the bishops and clergy within it; all appeals lie to him as the superior ecclesiastical authority in his province (*b*); he has jurisdiction to cite a bishop in respect of ecclesiastical offences, and an appeal lies to His Majesty in Council from his refusal to exercise Powers of the archbishop.

Visitation.
Appeals to.

(*x*) Steph. Com. 13th ed. vol. ii. p. 583.

(*y*) 25 Hen. VIII. c. 20, s. 4.

(*z*) *Ibid.*

(*a*) Gibs. 110.

(*b*) As to appeals from Provincial and Archidiaconal Courts, see *ante*, chapter on Courts.

- this jurisdiction (*c*), and the archbishop either sitting alone or with assessors has jurisdiction to hear a charge against one of his bishops (*d*); he is guardian of the spiritualities of any see during its vacancy (*e*). The archbishop is also entitled by lapse to present to any living in the disposal of one of his bishops unless filled within six months, or if the bishop fails for six months to present to a living which has fallen to him by lapse. He formerly had a customary prerogative, called his *option*, to require every bishop immediately after confirmation to convey to him the next avoidance of such one dignity or benefice belonging to the see as he, the archbishop, should name. This privilege has, however, been incidentally taken away by the 3 & 4 Vict. c. 113 (*f*).
- Right to present on lapse.
- Option.
- Special privileges of the Archbishop of Canterbury. Coronation of king or queen.
- To grant dispensation:
- The Archbishop of Canterbury has some privileges not enjoyed by the Archbishop of York, the chief of which are to crown the kings and queens of this kingdom (*g*), and to grant dispensations. The power to grant dispensations is given by 25 Hen. VIII. c. 21 (*h*), which provides that he shall have power to grant *dispensations* for causes which are not contrary to the Holy Scriptures or

(*c*) *Ex parte Read and Others*, 13 P. D. 221.

(*d*) *Read v. Bishop of Lincoln*, 14 P. D. 88.

(*e*) Steph. Com. 13th ed. vol. ii. p. 585. During the vacancy of an archbishopric, the dean and chapter are the spiritual guardians.

(*f*) Sect. 42.

(*g*) Burn's Ecclesiastical Law, 9th ed. vol. i. p. 197, tit. "Bishops." The Archbishop of York has, however, the privilege of crowning the queen consort, and to be her perpetual chaplain: *Ibid*.

(*h*) Sect. 3.

laws of God, and which were formerly obtained by the king or any of his subjects from the See of Rome. It is by virtue of this power that the archbishop grants special licences to marry at any time or place (*i*), to hold two livings, or the like (*k*), and by which he confers the degrees called Lambeth degrees (*l*). In unaccustomed cases, however, no dispensation can be granted until after the matter has been referred to the King in Council, and a special licence given to the archbishop by the Crown (*m*).

e.g. special licences to marry—
to hold two livings.
Lambeth degrees.
Dispensations cannot be granted in unaccustomed cases.

The bishops (or ordinaries) are subordinate to the archbishop, but are the chief of the clergy within the diocese. The chief powers of the bishop are to ordain priests and deacons, consecrate churches, and generally look after the manners and morals of the clergy and laity (*n*), for which purposes he may visit at his pleasure any part of the diocese. The bishop is ecclesiastical judge of his diocese, but sits by his chancellor. He also institutes and directs induction (*o*) to all livings, and licenses all curates within his diocese (*p*).

Bishops :
their powers ;
ordination ;
visitation.
The bishop is ecclesiastical judge of diocese.

Archbishoprics and bishoprics may become void by deprivation for any very gross or notorious crime ; they

Deprivation, resignation.

(*i*) See 4 Geo. IV. c. 76, s. 20.

(*k*) See 1 & 2 Vict. c. 106, s. 6, and 13 & 14 Vict. c. 98.

(*l*) Steph. Com. 13th ed. vol. ii. p. 587.

(*m*) 25 Hen. VIII. c. 21, s. 5.

(*n*) As to proceedings by him under the Church Discipline Act, see *post*, chapter on that Act.

(*o*) As to institution and induction, see *post*, chapter on Advowsons.

(*p*) Steph. Com. 13th ed. vol. ii. p. 587.

can also be resigned by their holder. A bishop resigns to the archbishop, the archbishop to the Crown (*q*). The Bishops' Resignation Act, 1869 (*r*), provides for the relief of archbishops and bishops who, by reason of age or any mental or bodily infirmity, may be permanently incapacitated from the due performance of their duties, and for the appointment of bishops coadjutors to such bishops and archbishops.

Suffragans— Suffragans.—The provincial bishops are sometimes called suffragans, as being the deputies of the archbishop. More properly the suffragans were assistants of the bishop, who assisted him in conferring orders, and in other spiritual work in the diocese. Their appointment is regulated by 26 Hen. VIII. c. 14 (*s*), which statute names certain towns as to their sees (*t*).

appointment
of.

Powers of
suffragan.

Suffragans, after having been disused for many years, have again been appointed for some dioceses (*u*). The suffragan has no superintendence over the jurisdiction or temporalities of the bishop, these being, in case of the

(*q*) Steph. Com. 13th ed. vol. ii. p. 590.

(*r*) 32 & 33 Vict. c. 111, made perpetual by the 38 & 39 Vict. c. 19.

(*s*) Sect. 3.

(*t*) These towns are "Thetford, Ipswich, Colchester, Dover, Guilford, Southampton, Taunton, Shaftesbury, Molton, Marlborough, Bedford, Leicester, Gloucester, Shrewsbury, Bristow, Penreth, Bridgwater, Nottingham, Grantham, Hull, Huntingdon, Cambridge, and the towns of Pereth and Berwick, S. Germans in Cornwall, and the Isle of Wight": sect. 1. Suffragan bishops have been appointed for the towns of Bedford and Colchester.

(*u*) Burn's Ecclesiastical Law, 9th ed. vol. i. p. 248, tit. "Bishops."

unfitness or incapacity of a bishop to discharge his office, deputed to an assistant called a coadjutor (*v*). Coadjutor.

The dean and chapter are the council of the bishop, to assist him with their advice in affairs of religion; and also in the temporal concerns of the see (*x*). Dean and chapter.

On old foundations the dean is elected by the chapter upon the king's *congé d'élire*, in much the same way as bishops and archbishops; the appointment requires the confirmation of the bishop. In new foundations the dean is appointed by letters patent from the Crown (*y*). Dean—how appointed on old foundations, on new foundations.

Deaneries are sinecures—*i.e.*, they have not the cure of souls, and are therefore exempt from the 21 Hen. VIII. c. 13, relating to pluralities (*z*). The dean is the head of the chapter, and has a general authority over it. He must be resident at the cathedral church at least eight months in the year (*a*).

The chapter is composed of dignitaries called canons (*b*). The chapter.

The canons are in some cases appointed by the Crown (*c*), in others by the bishops (*d*), and sometimes by each other (*e*). Canons—how appointed.

They must be in residence for at least three

(*v*) Steph. Com. 13th ed. vol. ii. p. 585.

(*x*) Steph. Com. 13th ed. vol. ii. p. 591.

(*y*) Phillimore's Ecclesiastical Law, 2nd ed. p. 127.

(*z*) *Ibid.*; and Burn's Ecclesiastical Law, 9th ed. vol. ii. p. 82, tit. "Dean and Chapter."

(*a*) 3 & 4 Vict. c. 113, s. 3.

(*b*) *Ibid.* s. 1.

(*c*) *Ibid.* s. 24.

(*d*) *Ibid.* s. 25.

(*e*) Steph. Com. 13th ed. vol. ii. p. 592.

Prebendary. months in the year (*f*). A canon is a *prebendary* when he holds a prebend or endowment (*g*).

Honorary canons. Honorary canons are canons appointed without salary to those cathedral churches in which there were not founded any non-residential prebends, dignities, or offices; the appointments are made by the bishops and archbishops respectively, but do not give a place in the chapter (*h*).

Minor canons. Minor canons are dignitaries appointed by the chapter.

Stipends not less than £150 per annum. Their stipends must not be less than 150*l.* per annum (*i*), and they are not allowed to take or hold any benefice beyond the limit of six miles from the cathedral or collegiate church (*k*).

Rural deans. Rural deans were originally deputies of the bishop, having a certain district allotted to them. Their duties were to execute the bishop's processes, and to inspect the lives and morals of the clergy within that district, and report the same to the bishop. In this jurisdiction rural deans were gradually superseded by the archdeacon. The

(*f*) 3 & 4 Vict. c. 113, s. 3.

(*g*) A prebend is an endowment in land or pension money given to a cathedral or conventual church *in præbendam*, that is, for a maintenance of a secular priest or regular canon, who was a prebendary as supported by the said prebend: Burn's Ecclesiastical Law, 9th ed. vol. ii. p. 87, tit. "Deans and Chapters." According to Dr. Godolphin, the dean and chapter have the profits of the prebend after the death of the prebendary and until the appointment of his successor: God. 52. By the stat. 28 Hen. VIII. c. 11, the profits of a prebend during the vacation go to the successor towards payment of his first fruits.

(*h*) 3 & 4 Vict. c. 113, s. 23.

(*i*) *Ibid.* s. 45.

(*k*) *Ibid.* s. 46.

office has recently been revived, and the duties of the rural dean at present appear to be only those of inspection and report ancillary to and not conflicting with those of the archdeacon (*l*). The authority of the rural dean (as at present constituted) seems to be derived entirely from the bishop—he appears to have no coercive power whatever, and his duties as above stated seem only to extend to the inspection of the church property and the lives and morals of the clergy, and to report thereon to his bishop (*m*). Rural decanal meetings and rural decanal conferences are both voluntary meetings, held, the first of the clergy, and the second of the clergy, churchwardens, and selected lay representatives of the parishes within his district.

Archdeacons have authority subordinate to the bishop Archdeacon—
within the limits of certain ecclesiastical divisions called archdeaconries. They are commonly appointed by the how appointed.

(*l*) The rural dean's office is recognised by the Church Discipline Act (3 & 4 Vict. c. 86); the Dilapidations Act, 1871 (34 & 35 Vict. c. 43); and the Clerical Disabilities Act, 1870 (33 & 34 Vict. c. 91).

(*m*) *As to the inspection of churches*, the usual practice is for the rural dean to meet the churchwardens at the church, and to cause the archdeacon's visitation queries to be answered and signed in his presence—doubtless in order that he may prevent improper or inaccurate returns being made by persons of small capacity and education. The returns of the rural dean are accompanied by a report from himself calling the attention of the archdeacon to the *number* of any answer specially requiring notice, and also representing the state of each church, chancel, and churchyard fence as good, middling, or bad. [I am indebted for this note to the kindness of a rural dean of the diocese of St. Albans, but the practice would be much the same in all dioceses.]

Appointment when in the gift of a layman.	bishops, by collation (<i>n</i>). They may, however, be in the gift of a layman, in which case the patron presents to the bishop, and the bishop institutes in the same way as to other benefices (<i>o</i>). The archdeacon has an ecclesiastical
Jurisdiction.	jurisdiction independent and distinct from the bishop (<i>p</i>),
Visitation.	which includes the power of visitation, which may, if he please, be exercised once every year, but of necessity must be exercised once in every three years (<i>q</i>); and also
Court of archdeacon.	includes the right of holding a separate Court for punishment of offenders and for hearing all ecclesiastical causes which arise within the archdeaconry. As a general rule, the jurisdiction of the bishop and archdeacon is concurrent, so that a suit may be commenced in either Court (<i>r</i>); but when the archdeacon has a peculiar, his jurisdiction is
Qualification of dean, archdeacon and canon.	independent of the bishop (<i>s</i>). No person is capable of receiving the appointment of dean, archdeacon, or canon who has not been six years complete in priest's orders; an
Exception.	exception is made, however, in the case of a canonry annexed to any professorship, headship, or other office in some university (<i>t</i>).

Rector or parson. The rector or parson of a church is he who hath full

(*n*) As to collation, see *post*, chapter on Advowsons.

(*o*) Burn's Ecclesiastical Law, 9th ed. vol. i. p. 95, tit. "Archdeacon." As to institution, see *post*, chapter on Advowsons.

(*p*) Steph. Com. 13th ed. vol. ii. p. 593.

(*q*) Burn's Ecclesiastical Law, 9th ed. vol. i. p. 96, tit. "Archdeacon."

(*r*) Steph. Com. 13th ed. vol. ii. p. 593.

(*s*) See *ante*, chapter on Courts having Ecclesiastical Jurisdiction.

(*t*) 3 & 4 Will. IV. c. 113, s. 27.

possession of all the rights of a parochial church. The freehold of the parsonage-house, glebe, tithes, and other dues vest in him during his life (*u*). The incumbent is a rector, in short, when the living is unappropriated (*x*), and he is entitled to both great and small tithes.

A vicar is the incumbent of a vicarage or appropriated living. He is only entitled to the small tithes (*y*).

Curates (*z*), temporary or stipendiary, are the spiritual assistants of a rector or vicar, by whom they are employed or paid; they may officiate in the parish church or chapel of ease within the parish (*a*).

Perpetual curates (*b*) are clerks charged with the cure of souls in parishes formerly appropriated to religious houses, but exempt from the 4 Hen. IV. c. 12 (*c*), for

(*u*) Steph. Com. 13th ed. vol. ii. p. 594.

(*x*) As to the difference between rectories and vicarages or appropriated and unappropriated livings, see *post*, chapter on Advowsons.

(*y*) The great tithes consist in general of corn, hay, and wood; small tithes consist of all other produce, with personal and mixed tithes: Burn's Ecclesiastical Law, 9th ed. vol. iii. p. 680, tit. "Tithes."

(*z*) The term "curate" in its ordinary sense signifies a clerk not instituted to the cure of souls, but exercising the spiritual office in a parish under the rector or vicar: Burn's Ecclesiastical Law, 9th ed. vol. ii. p. 54, tit. "Curates."

(*a*) Phillimore's Ecclesiastical Law, 2nd ed. p. 239.

(*b*) Perpetual curates who are entitled to perform marriages, churchings, and baptisms, are to be styled vicars: 31 & 32 Vict. c. 117, s. 2.

(*c*) This statute enacted that in every church appropriated there shall be a secular (*i.e.*, non-monastic) person ordained vicar perpetual, canonically instituted and inducted, and convenably endowed by the discretion of the ordinary.

particular reasons (*d*). On the dissolution of the monasteries when such exempted appropriations came into lay hands, the owners, not being able to serve the cure themselves, were forced to nominate some clerk to the bishop for his licence to do the duty, and such curates became removable only by the due revocation of the ordinary's licence (*e*).

It is provided by the 31 & 32 Vict. c. 117, s. 2, "That the incumbent of the church of every parish, or new parish for ecclesiastical purposes, not being a rector, who is or shall be authorized to publish banns of matrimony in such church, and to solemnize therein marriages, churchings, and baptisms, according to the laws and canons in force in this realm, and who is or shall be entitled to take, receive, and hold for his own sole use and benefit, the entire fees arising from the performance of such offices, without any reservation thereout, shall, from and after the passing of this Act, for the purpose of style and designation, but not for any other purpose, be deemed and styled the vicar of such church and parish or new parish, as the case may be, and his benefice shall,

(*d*) "If the benefice were given *ad mensam monachorum*, and so not appropriated in the common form, but granted by way of union *pleno jure*; in that case it was served by a temporary curate belonging to their own house, and sent out as occasion required. The like liberty of not appointing a perpetual curate was sometimes granted by dispensation, in benefices not annexed to their tables, in consideration of the poverty of the house, or the nearness of the church": Phillimore's Ecclesiastical Law, 2nd ed. p. 240.

(*e*) Gibs. 819; 1 Consist. 165.

for the same purpose, be styled and designated a vicarage.”

A donee is a clerk who is presented to a spiritual Donee. preferment which is in the free gift or collation of the patron. No admission, institution, or induction is necessary (*f*).

A chaplain is a clergyman whose sphere of duty is in Chapel—a chapel, and to whom no parish is assigned.

They are usually constituted by Act of Parliament; how consti-
tuted. chaplains for the army (*g*), gaols (*h*), workhouses (*i*), lunatic asylums (*k*), and cemeteries (*l*) being the most ordinary examples.

It is questionable whether navy chaplains are created Navy
chaplains. by the exercise of the royal prerogative or by the Common Law (*m*).

Private chaplains are chaplains appointed to minister Private
chaplains. to private persons. By the statute 21 Hen. VIII. c. 13, abolished by the statutes 57 Geo. III. c. 99, and 1 & 2 Vict. c. 106, members of the royal family (*n*), noble- Persons

(*f*) As to donatives, and also as to institution and induction, see *post*, chapter on Advowsons.

(*g*) 31 & 32 Vict. c. 83.

(*h*) 28 & 29 Vict. c. 126, ss. 10-20, 81; 34 & 35 Vict. c. 46. See also 26 & 27 Vict. c. 79.

(*i*) 4 & 5 Will. IV. c. 76. See also 31 & 32 Vict. c. 122. *Molyneux v. Bagshaw*, 9 Jur. (N.S.) 553.

(*k*) 16 & 17 Vict. c. 97, ss. 55, 57; 25 & 26 Vict. c. 3, ss. 9, 12.

(*l*) 10 & 11 Vict. c. 65; 15 & 16 Vict. c. 85, s. 39; 20 & 21 Vict. c. 35, s. 7.

(*m*) Brice's Public Worship, p. 33.

(*n*) The words of the Act are “Queen, prince or princess, or any of the king's children, brethren, sisters, uncles, or aunts.”

entitled to
appoint
private
chaplains.

men, widows of noblemen, and certain dignitaries might appoint chaplains (*o*), who might, on account of their being such chaplains, obtain a licence to keep two parsonages or benefices with cure of souls.

Lecturer.

A lecturer is an assistant to the rectors of churches in London and the cities. He is usually chosen by the vestry or chief inhabitants, and must be licensed by the archbishop or bishop of the diocese (*p*). There are usually one or more lecturers in most cathedral churches, and many lectureships have been founded by the donation of private persons, as St. Moyer's at St. Peter's, and many others (*q*).

Readers—

Readers are appointed in churches or chapels where there is only a very small endowment, and no clergyman will take upon him the charge or cure. The reader may be a layman, and is usually appointed to officiate with the consent of the incumbent of the parish, and is licensed by the bishop (*r*). The licence bears a stamp duty of 10s. (*s*).

licence of.

(*o*) The number of chaplains which each order may appoint is limited by the Act. Archbishops and dukes may have six; marquises and earls, five; viscounts and bishops, four; the Chancellor of England and barons and knights of the Garter, three; duchesses, marchionesses, countesses, and baronesses who are widows, two; the treasurer and comptroller of the king's house, the king's secretary, the dean of his chapel, the king's almoner, and Master of the Rolls, two; and the Chief Justice of the King's Bench and Warden of the Cinque Ports, one.

(*p*) Phillimore's Ecclesiastical Law, 2nd ed. p. 444. See also 7 & 8 Vict. c. 59, s. 1.

(*q*) Phillimore's Ecclesiastical Law, 2nd ed. p. 444.

(*r*) Burn's Ecclesiastical Law, 9th ed. vol. iii. pp. 452, 453, tit. "Reader."

(*s*) 33 & 34 Vict. c. 97, schedule, tit. "Licence."

Churchwardens are two members of the laity chosen in every parish, whose office is to inspect the morals and behaviour of the parishioners as well as to take care of the goods and repairs of the church (*t*). Their election is in many parishes regulated by custom (*u*), but in the absence of special custom they are to be chosen by the joint consent of the ministers and parishioners; or, if they cannot agree, the minister (*v*) is to choose one and the parishioners the other (*x*). The remedy in the case of an improper election is by a mandamus from the King's Bench Division.

Church-
wardens—
duties of;

election of.

The election takes place early in Easter week, and churchwardens when chosen are obliged to serve unless ineligible or exempt from the office (*y*).

The churchwardens are a corporation to take money or other personal property for the use of the church, but not

Church-
wardens a
corporation to

(*t*) Burn's Ecclesiastical Law, 9th ed. vol. i. p. 398, tit. "Churchwardens."

(*u*) *Ibid.* pp. 401, 402. See also *Bremner v. Hull*, 1 C. P. 748.

(*v*) "Minister" includes a perpetual curate: *The Queen v. The Churchwardens of Shouldham All Saints*, L. R. 8 Q. B. 69.

(*x*) Can. 89. An incumbent who exercises the right of appointing one churchwarden is not entitled to vote in his capacity of a ratepayer on the appointment of the other: *The King v. Bishop of Salisbury*, [1901] 2 K. B. 225.

(*y*) Peers of the realm, members of Parliament, clergymen of the Church of England, Roman Catholic clergy, dissenting ministers, barristers, attorneys, clerks in court, physicians, surgeons, and apothecaries (if duly registered under 21 & 22 Vict. c. 90), aldermen and dissenting teachers, and all persons living out of the parish, unless they occupy a house of trade—these are either ineligible or exempted from the office: Steer's Parish Law, 6th ed. p. 104.

take personal property for the use of the church.

land, that vesting in the parson (*z*). They may bring actions on account of the parish for any personal property belonging to it, and one of their chief duties is the care and management of the goods belonging to the church, such as the organ, bells, Bible, and parish books (*a*), and military colours presented to the church (*b*). They also see to the reparation of the church and the making of the church rates for defraying the charge of the repairs (this rate is made by the parishioners in vestry, but is not now compulsory (*c*)), maintain order in church, and generally look after all parish matters (*d*). They have no power to forcibly prevent a parishioner from entering the church for the purpose of attending divine service (*e*). At the end of the year the churchwardens are bound to render an account of their receipts and disbursements (*f*).

Seats.

Churchwardens of a church with free seats have authority to direct, for the maintenance of order and decorum, in which of those seats certain classes of the congregation may, and others may not, sit (*g*).

Where a voluntary church rate is collected in a parish the churchwardens, in allotting sittings, should give priority to the parishioners who pay the rate. In a parish

(*z*) *Attorney-General v. Ruper*, 2 P. W. 125.

(*a*) Steph. Com. 13th ed. vol. ii. p. 614.

(*b*) *Vincent v. Eyton*, [1892] P. 1.

(*c*) 31 & 32 Vict. c. 109, s. 2.

(*d*) Steph. Com. 13th ed. vol. ii. p. 615.

(*e*) *Taylor v. Timpson*, Times L. R. vol. iv. p. 208.

(*f*) Steer's Parish Law, 6th ed. p. 115.

(*g*) *Asher v. Calcraft*.

where a voluntary church rate is not collected the churchwardens may give priority to parishioners who contribute to a fund for church improvements and expenses (*h*).

The powers conferred upon the churchwardens, it seems, cannot be exercised by one without his colleague. The churchwardens have a right of access to the church at proper seasons, but are not entitled to keep the key (*i*).

If on entering his office the churchwarden finds any practice in use as to which no legal objection can be taken, it is the churchwarden's duty to follow it. If the churchwarden considers the practice objectionable or inconvenient he should refer the matter to the bishop of the diocese (*k*). The churchwardens are the proper custodians of money arising from collections for ordinary church expenses, and such money should be placed by them at a bank in their joint names (*l*).

Existing practices to be continued.

The parish clerk had by the Common Law a freehold in his office, and was an officer appointed for life, who could not be deprived of it, but only censured for any misconduct (*m*). He may, however, now be suspended or removed for misconduct or neglect (*n*). The qualification required for the office is that he "shall be twenty years of

The parish clerk—
could not be removed for misconduct, &c.; qualifications for office;

(*h*) *St. Saviour, Westgate-on-Sea, Vicar, &c. v. Parishioners, &c.*, [1898] P. 217.

(*i*) *Ritchings v. Cordingley*, L. R. 3 A. & E. 119.

(*k*) *Howell v. Holroyd*, [1897] P. 198.

(*l*) *Ibid.*

(*m*) Burn's Ecclesiastical Law, 9th ed. vol. iii. p. 86, tit. "Parish Clerk."

(*n*) 7 & 8 Vict. c. 59, s. 5.

age at the least; known to the parson, vicar, or minister to be of honest conversation, and sufficient for his reading, writing, and also for his competent skill in singing (if it may be)" (o). He is usually appointed by the incumbent, but by special custom the right of appointment may belong to the parishioners (p).

how appointed;

summary power of bishop or archdeacon to remove him.

Formerly the parish clerk could only be displaced by a formal suit in the Ecclesiastical Court, but a summary power is now vested in the archdeacon or ordinary to hear and determine any complaint against him, and, if necessary, to suspend or remove him from his office, and to eject him from any house or other premises he holds by virtue of his office (q).

The sexton—

duties of;

The sexton is usually chosen by the incumbent, though by special custom he may be chosen by the parishioners. His salary depends on custom, and is paid by the churchwardens (r). The duties of the sexton are to cleanse the church, open pews, dig the graves for the dead, provide candles and other necessaries, and to prevent disturbances in the church (s).

a woman may fill the office.

A woman may fill the office of sexton, and also, where the right of election belongs to the inhabitants, may vote in the election (t).

(o) Can. 91.

(p) Burn's Ecclesiastical Law, 9th ed. vol. iii. p. 82, tit. "Parish Clerk."

(q) 7 & 8 Vict. c. 59, ss. 5, 6.

(r) Steph. Com. 13th ed. vol. ii. p. 616.

(s) *R. v. Inhabitants of Liverpool*, 3 T. R. 119.

(t) *Olive v. Ingram*, T. 12 G., Str. 1114; Burn's Ecclesiastical Law, 9th ed. vol. iii. p. 603, tit. "Sexton."

The beadle is chosen by the vestry. His duties are Beadle. to attend the vestry, to give notice of its meetings to the parishioners, and generally to execute all orders of the vestry (*u*).

(*u*) Steer's Parish Law, 6th ed. p. 121.

DOCTRINE AND ORNAMENTS.

Lawful
doctrines and
ceremonies.

THE questions what doctrines can lawfully be held by a clergyman of the Church of England; what rights and ceremonies are lawful, and what are unlawful; and what vestments can properly be worn during the celebration of Divine Service, are subjects so wide that they cannot properly be discussed in a work so small as the present one. The author in this chapter does not attempt any deep treatise of these questions, but simply gives the result of the most important cases on these subjects during recent years.

*Voysey v.
Noble.*

In the case of *Voysey v. Noble* (3 P. C. 357), where a clergyman was charged with maintaining and promulgating doctrines contrary to the Thirty-nine Articles of Religion, the Judicial Committee decided that they were not compelled to affix a definite meaning to any given Article where such Article is really a subject of dubious interpretation. On the other hand, a clergyman will not be allowed to wholly elude the authority of the Articles, and he can be punished if he deliberately declare an intention of teaching doctrines contrary to the Articles.

Court need
not give a
definite mean-
ing to any
particular
Article.

Query—What
latitude of
belief in the
canonical
books is
allowed?

It is not competent to a clergyman of his own mere will, not founding himself upon any critical inquiry, but simply upon his own taste and judgment, to assert that whole passages of some of the canonical books are without

authority whatever, on the ground that they are contrary to the teachings of Christ, as contained in others of the canonical books (*x*).

The minister should so stand during the prayer of consecration that he may in good faith enable the communicants present, or the bulk of them, to see him break the bread and perform the manual acts mentioned in the rubric (*y*).

Position of the minister whilst saying the prayer of consecration.

A bishop officiating as a "minister" in the celebration of the Holy Communion is bound to use the order and form prescribed by the Book of Common Prayer, he then being the "minister" within the meaning of the rubric relating to the administration of that office (*z*).

Bishop officiating as minister.

The bread used in the celebration of the Holy Communion should be pure wheaten bread, and not wafer-bread (*a*). The bread may, however, be made in the form of circular wafers, instead of bread such as is usual to be eaten (*b*). The mixing of wine with water in and as part of the Communion Service is against the Law of the Church, but wine mixed with water before the service may be used at the service (*c*).

The bread to be used in the celebration of the sacrament of the Holy Communion.

Wine mixed with water.

(*x*) *Voysey v. Noble*, 3 P. C. 357.

(*y*) *Ridsdale v. Clifton*, 2 P. D. 276; *Read v. Bishop of Lincoln*, [1892] P. 9.

(*z*) *Read v. Bishop of Lincoln*, 14 P. D. 148.

(*a*) *Hebbert v. Purchas*, 3 P. C. 605. See *contra*, however, *Ridsdale v. Clifton*, 2 P. D. 276.

(*b*) *Ridsdale v. Clifton*, *supra*.

(*c*) *Read v. Bishop of Lincoln*, [1892] A. C. 644; as to the earlier cases, see *Hebbert v. Purchas*, 3 P. C. 605; *Martin v. Mackonochie*, 2 A. & E. 116; and *Elphinstone v. Purchas*, 3 A. & E. 66.

The difference between the terms "rite" and "ceremony." The legal distinction between a rite and a ceremony is, that a rite consists in services expressed in words; a ceremony in gestures or acts preceding, accompanying, or following those words (*d*).

Unlawful ceremonies.

It is an unlawful ceremony for a clergyman to kneel or prostrate himself before the consecrated elements during the prayer of consecration (*e*).

Candles.

The use of lighted candles on the communion table during the celebration of the Holy Communion, when such candles are not wanted for the purpose of giving light, is also unlawful (*f*). But the mere fact that the respondent had officiated as bishop throughout the celebration of the Holy Communion without objection on his part to the use of lighted candles, unnecessary for any purpose of giving light, was held not to constitute an ecclesiastical offence, there being no evidence of any ceremonial use of the lights, or that he, the bishop, had introduced them as unlawful ornaments (*g*).

The Agnus.

The singing of the hymn, "The Agnus," by the choir before and during the reception of the elements is not illegal (*h*).

Legal ornaments.

The "Ornaments Rubric" prefixed to "The Order for Morning and Evening Prayer" provides "That such

(*d*) *Martin v. Mackonochie*, 2 A. & E. 116.

(*e*) *Martin v. Mackonochie*, 2 P. C. 365; on appeal from 2 A. & E. 116.

(*f*) *Ibid.*; see also *Martin v. Mackonochie*, 4 A. & E. 279; and *Bishop Sumner v. Wix*, 3 A. & E. 58.

(*g*) *Read v. Bishop of Lincoln*, [1892] A. C. 644.

(*h*) *Ibid.*

ornaments of the church, and of the ministers thereof, at all times of their ministration, shall be retained, and be in use, as were in the Church of England, by the authority of Parliament, in the second year of the reign of King Edward the Sixth" (*i*).

What these ornaments were is still a matter of great difference of opinion.

In *Hebbert v. Purchas* (3 P. C. 605), the use of the chasuble, alb, and the tunicle was held to be illegal while officiating at the Holy Communion (*k*), but the cope may be worn while ministering the Holy Communion on high feast days in cathedral and collegiate churches. The surplice should be used in all other ministrations.

The term "ornaments," in Ecclesiastical Law, is not confined, as by modern usage, to articles of decoration or embellishment, but it is used in the larger sense of the word *ornamentum*, which, according to the interpretation of Forcellini's Dictionary, is used *pro quocumque apparatu, seu instrumento*. All the several articles used in the performance of the services and rites of the church are "ornaments"; vestments, books, cloths, chalices, and patens are amongst church ornaments; a long list of them will be found extracted from Lyndwood, in Dr.

Meaning of
the term
"ornaments."

(*i*) On the question of what are legal or illegal ornaments, see the Ornaments Rubric; the Injunctions of Queen Elizabeth, A.D. 1559; the Advertisements of Queen Elizabeth, A.D. 1564, made pursuant to the Act of Uniformity, 1 Eliz. c. 2; the Act of Uniformity, 13 & 14 Car. II. c. 4; and the Canons of 1603.

(*k*) See also *Ridsdale v. Clifton*, 2 P. D. 276.

Phillimore's edition of Burn's Ecclesiastical Law (*l*). In modern times organs and bells are held to fall under this denomination (*m*).

Ornaments of the church.

As regards ornaments of the church, all ornaments appear to be lawful unless they are calculated to receive superstitious reverence, and be abused, or likely to cause scandal or offence.

Crucifix.

A cross (*n*), or crucifix (*o*), is not necessarily an illegal ornament in a church, and, so long as it is a mere architectural decoration, will be allowed; but if it be placed in such a position that it be in danger of becoming an object of superstitious reverence, it becomes an unlawful ornament (*p*).

In the case of *Clifton v. Ridsdale* (1 P. D. 316), Lord Penzance ordered the removal of a crucifix of metal in high relief, placed on the top of a screen at the entrance to the chancel. The crucifix not only stood on the highest part of the screen, turned towards the congregation, but was lighted by a row of candles fixed along the screen. On the same principle a reredos in itself is a lawful ornament, but it may be ordered to be removed if it contain sculptured figures likely to become the subject of superstitious reverence (*q*).

(*l*) Vol. i. pp. 375—377.

(*m*) Phillimore's Ecclesiastical Law, 2nd ed. pp. 726, 727.

(*n*) *Westerton v. Liddell*, Moore's Sp. Rep.

(*o*) *Phillpotts v. Boyd*, L. R. 6 P. C. 435.

(*p*) *Clifton v. Ridsdale*, 1 P. D. 316.

(*q*) *In re St. Lawrence Pillington*, 5 P. D. 131. See also *Phillpotts v. Boyd*, L. R. 6 P. C. 435; and *Hughes v. Edwards*, 2 P. D. 361.

A set of pictures representing the "Stations of the Cross" were ordered to be removed from the church of St. Mark, Marylebone Road (*r*).

Stations of
the Cross.

A faculty for the erection of a crucifix and figure of the Virgin Mary and Saint John, placed on the top of a chancel screen, was refused in the case of *The Vicar of Richmond, &c. v. All Persons having interest, &c.* (*s*), and allowed in the case of *The Vicar, &c., of Great Bardfield v. All having interest, &c.* (*t*).

Crucifix on
chancel
screen.

In *Kensit v. St. Ethelburga, Bishopsgate Street Within* (*u*), Dr. Tristram held that moveable crucifixes (which he held not to be architectural decorations) were not legal church ornaments.

Kensit v.
St. Ethelburga,
Bishopsgate
Street Within.

A tabernacle for the reception of the Reserved Sacrament is not a lawful church ornament (*x*).

In the case of *Davey v. Hinde* (*y*), the following ornaments were ordered to be removed from a parish church as being illegal:—(i) The fourteen Stations of the Cross; (ii) three confessional boxes; (iii) a large crucifix fixed near the pulpit; (iv) a tabernacle on the communion table in the chancel, before which a lamp was kept burning; (v) a piece of furniture applicable for receiving confessions; (vi) two water stoups for holding holy water;

Davey v.
Hinde.

(*r*) *St. Mark's, Marylebone Road*, [1898] P. 114.

(*s*) [1897] P. 70.

(*t*) [1897] P. 185.

(*u*) [1900] P. 80.

(*x*) *Ibid.*

(*y*) [1901] P. 95. Numbers I. to IV. inclusive had been in the church at the time of its consecration.

(vii) a tabernacle on the communion table in the side chapel of the church, used for the Reservation of the Sacrament; (viii) images representing (a) The Good Shepherd on a pedestal at the west end of the church, with candles on each side and a lighted lamp in front; (b) The Virgin Mary on a pedestal standing against the chancel screen, with candles on each side, vases of flowers, and a lighted blue lamp before it, with canopy, crown and star over it; (c) the Sacred Heart and St. Joseph, on either side of the communion table in the side chapel of the church; (ix) several crucifixes, one over the communion table in the chancel, another on the chancel screen, and another with a crown over it, over the holy table in the side chapel of the church.

ADVOWSONS.

AN advowson is the perpetual right of presentation to a rector, vicarage, or other ecclesiastical benefice. This right of presentation, or nominating a duly qualified person to be minister, was a Common Law right given to those lords of the manors who built and endowed a church. Where a church was so built and endowed, the tithes, which before were given to the clergy in common, were paid to the minister to be applied for the purposes of the church, district, or parish (z).

Advowsons are principally of two kinds—advowsons of rectories and advowsons of vicarages. Originally, they appear to have been almost always appendant to some manor, but they were frequently granted by the lords of manors, in ancient times, to monastic houses, bishops, and other spiritual corporations. When this was the case, the spiritual patrons received the tithes and other profits, and left the duty to be performed by some poor priest as to their vicar or deputy. The license of the Crown and consent of the bishop were necessary on such appropriation (a).

The method of trying the right to an advowson was formerly by a writ of *quare impedit*, which was issued out

(z) Steph. Com. 13th ed. vol. ii. p. 630.

(a) *Ibid.* p. 595.

of, and was within the exclusive jurisdiction of, the Court of Common Pleas. Originally, where a stranger had no right to an advowson, and presented a clerk who was admitted and instituted, the advowson was said to be *usurped*, and the patron by the Common Law was absolutely ousted and dispossessed, and lost, not only his turn of presenting *pro hac vice*, but also the absolute and perpetual inheritance of the advowson; so that he could not present again upon the next avoidance, unless in the meantime he recovered his right by a real action, called a writ of right of advowson. It was, however, provided by the statute of Westminster the second, 13 Edw. I. c. 5, s. 2, that, if an action of *quare impedit* should be brought within six months after the avoidance, the patron should, notwithstanding the usurpation, recover that very presentation; and this recovery gave back to him the seisin of the advowson. But if the patron omitted to bring this action within six months, the seisin was gained by the usurper, and the patron, to recover it, had only his remedy by writ of right of advowson. By the 7 Anne, c. 18, it was provided that no usurpation should displace the estate or interest of the patron, or turn it to a mere right, but that the true patron might present, upon the next avoidance, as if no such usurpation had happened. The result of these statutes is, that where a stranger usurps the right of presentation, and the patron does not pursue his remedy within six months, he loses all right to presentation for that turn, but for that turn only, and he may present on the next avoidance. By the Common Law Procedure Act,

1860, s. 26, and the Judicature Acts, 1873, 1875, the writ of *quare impedit* is abolished, and the ordinary writ of summons is issued in its place, indorsed with a claim by the plaintiff in *quare impedit (b)*, and the proceedings in an action for the recovery of an advowson are the same as in an ordinary action.

In addition to the method of trying the right to an advowson in the temporal Court, proceedings may be taken to ascertain the right in a spiritual Court, but the only effect of the decision on the right by the spiritual Court is, that it secures the clerk who is presented from being considered a disturber. And any decision in the spiritual Court as to the right will be overruled by a decision of a temporal Court. Where the right of presentation is likely to be contested, each party usually enters a *caveat* with the bishop to prevent the institution of the clerk of his antagonist. If two presentations be offered to the bishop on the same avoidance, the church is said to be *litigious*, and, if nothing further be done, the bishop may suspend the admission of either and suffer a lapse to occur. On the application of either party, the bishop must award a *jus patronatus*, which is a commission usually directed to his chancellor and other learned and competent persons. The commission is to summon a jury of six clergymen and six laymen, who are to inquire and examine who is the rightful patron. On the return of the

Proceedings to determine the right in the spiritual Court.

(b) The following is the form of indorsement of claim in *quare impedit* given by schedule A, part iii. sec. 4 of R.S.C. 1883:—
 “The plaintiff is in *quare impedit* for —.”

commissioners, the bishop admits and institutes the clerk of the patron whom the commissioners return to be the true one. The clerk who is so instituted is secure from being a disturber although the decision of the commissioners may be overruled by the decision of a temporal Court (*c*).

The clerk who is refused by the bishop has a remedy by way of appeal called a *duplex querela*.

As a matter of fact, the proceedings in the spiritual Court are seldom or never taken, but so soon as the bishop refuses to admit the nominee of the patron, the latter brings his action to determine his right.

The plaintiff is always the patron, not the clerk, as the injury is done to the right of the former; the pseudo-patron, his clerk, and the ordinary are usually made defendants.

Interests of
the parish
protected by
statutes.

The interests of the parish were protected by statutes passed in the reigns of Richard II. (*d*) and Henry IV. (*e*) which provided that, wherever the benefice was appropriated, there should always be a vicar with a sufficient endowment to perform the duties of the church, who should be duly ordained. On the dissolution of the monasteries in the reign of Henry VIII. the appropriations which belonged to them were given to the King, in as ample a manner as the appropriators held the same at

(*c*) Steph. Com. 13th ed. vol. iii. p. 444.

(*d*) 15 Rich. II. c. 16.

(*e*) Hen. IV. c. 12.

the time of their dissolution (*f*). The appropriations so vested in the Crown were afterwards, from time to time, granted out by the Crown to subjects, and are now in the hands of lay persons, who are generally styled lay impropriators (*g*).

Advowsons are either appendant or in gross—*appendant*, Appendant or in gross. when they have been retained along with the manor from which they were originally endowed; *in gross*, or at large, when they have been separated from it, being no longer annexed to the manor or lands, but to the person of the owner (*h*).

Advowsons when appendant pass by a mere grant of the manor, or when in gross are capable of being conveyed by deed of grant (*i*), like any other species of real property, and the owner has not only the right of conveying the advowson as a whole—formerly he might, except when the living is vacant, convey the next or any number of future presentations, the grantee in such case becoming the patron *pro hac vice*—but now, under the Benefices Act, 1898 (*k*), he can only transfer his whole right of patronage. Next presentation.

Advowsons may again be divided into advowsons *presentative*, *collative*, and *elective* (*l*). In an advowson pre- Advowsons—presentative.

(*f*) 27 Hen. VIII. c. 28, and 31 Hen. VIII. c. 13. The appropriations at that time amounted to more than one-third of all the parishes in England: Steph. Com. 7th ed. vol. ii. p. 679.

(*g*) Steph. Com. 13th ed. vol. ii. p. 595.

(*h*) *Ibid.* p. 6 1.

(*i*) 8 & 9 Vict. c. 106.

(*k*) 61 & 62 Vict. c. 48.

(*l*) Advowsons “donative” were changed into “presentative” by the Benefices Act, 1898, s. 12.

representative, the patron presents the parson to the ordinary (bishop) to be instituted and inducted in his church; in collative, an advowson collative, the bishop is both patron and elective. Elective benefices occur in cathedral and other corporations (*m*).

An advowson is but a right collateral to land, and is not aptly described as "being situate at" a particular place. Such a description, however, may pass an advowson under certain circumstances—*e.g.*, when upon an examination of the whole instrument a clear intention is shown that it shall pass, or upon evidence that there is no other property in that particular place capable of being disposed of by the instrument (*n*).

A transfer of a right of patronage of a benefice is not valid unless—

- (a) It is registered in the prescribed manner in the registry of the diocese within one month from the date of the transfer, or within such extended time as, under special circumstances, the bishop may think fit to allow; and
- (b) It transfers the whole interest of the transferor in the right; and (*o*)

(*m*) Phillimore's Ecclesiastical Law, 2nd ed. p. 263.

(*n*) *Crompton v. Jarratt*, 30 Ch. D. 298. The proper description is, "All that advowson, donation, or right of patronage and presentation of and to the rectory and parish church of _____ in the county of _____," &c.; see Davidson's Precs., 2nd ed. vol. ii. pt. i. p. 280; or "All that the advowson and perpetual right of presentation of and to the rectory and parish church of _____ in the county of _____," &c.: Prideaux's Precs., 13th ed. vol. i. pp. 437, 438.

(*o*) In a family settlement a life interest to the settlor, and in a

(c) More than twelve months have elapsed since the last institution or admission to the benefice.

Transfer includes any conveyance or assurance passing or creating any legal or equitable interest *inter vivos*, and any agreement for any such conveyance or assurance, but it does not include—

- (a) A transmission on marriage, death, or bankruptcy, or otherwise by operation of law; nor
- (b) A transfer on the appointment of a new trustee where no beneficial interest passes (*p*).

It is not lawful to offer for sale by public auction any right of patronage except—

- (a) An advowson to be sold in conjunction with a manor; or
- (b) An estate in land of not less than 100 acres.

The land must be situate in the parish in which the benefice is situate, or in an adjoining parish, and must belong to the same owner as the advowson.

Persons offering or bidding for any right of patronage contrary to the above provisions are liable on summary conviction to a fine of not exceeding 100*l.* (*q*).

The following agreements are invalid:—

1. An agreement for the exercise of a right of patronage of a benefice in favour or on the nomination of any particular person.

Agreements with regard to patronage.

mortgage the equity of redemption may be reserved: The Benefices Act, 1898, s. 1, sub-s. 7.

(*p*) The Benefices Act, 1898, s. 1, sub-s. 6.

(*q*) *Ibid.* s. 1, sub-s. 2.

2. An agreement on the transfer of a right of patronage of a benefice :

- (a) For the retransfer of the right ; or
- (b) For postponing payment of any part of the consideration for the transfer until a vacancy, or for more than three months ;
or
- (c) For payment of interest until a vacancy, or for more than three months ; or
- (d) For any payment in respect of the date at which a vacancy occurs ; or
- (e) For the resignation of a benefice in favour of any person (*r*).

Presentation, nomination, and collation are sometimes used as synonymous terms for the gift of a benefice to a duly qualified clerk.

Presentation. Presentation more strictly, however, is the right of the patron to offer a duly qualified clerk to the ordinary to be instituted to the church (*s*).

Nomination. Nomination is the offering a clerk to the person who has the right of presentation—*e.g.*, the right of the *cestui que trust* where an advowson is held on trust (*t*).

Collation. Collation is the act by which the bishop admits and institutes a clerk to an advowson of which he himself is the patron (*u*). It is equivalent to both presentation and

(*r*) The Benefices Act, 1898, s. 1, sub-s. 3.

(*s*) Tudor's Leading Cases, 4th ed. p. 823, notes to *Fox v. The Bishop of Chester* ; Co. Litt. 120 a.

(*t*) Phillimore's Ecclesiastical Law, 2nd ed. p. 263.

(*u*) *Ibid.*

institution in the case of a presentative advowson, and induction only is necessary (*x*).

Institution is the ceremony by which the cure of souls is transferred from the bishop to the incumbent (*y*). The effect of the institution is to give the incumbent a complete right as to spirituality, and to celebrate divine service (*z*). Institution.

A bishop may refuse to institute or admit a presentee to a benefice:—

- (a) If at the date of the vacancy not more than one year has elapsed since a transfer of the right of patronage of the benefice, unless it be proved that the transfer was not effected in view of the probability of a vacancy within such year; or
- Grounds on which a bishop may refuse to institute a person presented by the patron of the living.
- (b) On the ground that at the date of presentation not more than three years have elapsed since the presentee was ordained deacon, or that the presentee is unfit for the discharge of the duties of the benefice by reason of physical or mental infirmity or incapacity, pecuniary embarrassment of a serious character, grave misconduct or neglect of duty in an ecclesiastical office, evil life, having by his conduct caused grave scandal concerning his moral

(*x*) Tudor's Leading Cases, 4th ed. p. 827, notes to *Fox v. The Bishop of Chester*.

(*y*) Steph. Com. 13th ed. vol. ii. p. 601; Tudor's Leading Cases, 4th ed. p. 838, notes to *Fox v. The Bishop of Chester*.

(*z*) *Hare v. Bickley*, Plowd. 528.

character since his ordination, or having, with reference to the presentation, been knowingly party or privy to any transaction or agreement which is invalid under the Benefices Act, 1898.

Notice before institution.

One month's notice of any proposed collation, institution, or admittance to a benefice by the bishop must be served on the churchwardens of the parish and must be published by the churchwardens (*a*).

Appeals.

Appeals from a bishop's refusal to institute a presentee lie to a court consisting of the archbishop of the province and a judge of the Superior Court nominated by the Lord Chancellor from time to time. On any such appeal the judge is to decide all questions of law and to find the facts and the archbishop is to give judgment in accordance with the law and facts so found. The judgment is final (*b*).

Induction.

Induction is similar to the livery of seisin on a feoffment, and by it the clerk is invested with the temporalities or profits of the benefice and full possession of the church. On induction, but not before, the clerk may grant or lease, or claim a freehold in, or bring an action to recover, any of the temporalities (*c*).

Formalities required on presentation to a living.

On presentation to a living, the instrument of presentation, the clerk's orders of deacon and priest, testimonials of his former good life and behaviour, and if he come out of another diocese, then a testimonial from the bishop

(*a*) The Benefices Act, 1898, s. 2, sub-s. 2.

(*b*) *Ibid.* s. 3.

(*c*) Tudor's Leading Cases, 4th ed. p. 839, notes to *For v. The Bishop of Chester*.

or ordinary of the diocese or place from whence he comes, must be left with the bishop, who, after due examination of the clerk, institutes him if he be found worthy of the ministry (*d*). No special time is limited for these inquiries. The clerk presented has also to make a declaration under the Benefices Act, 1898.

In the case of *Heywood v. The Bishop of Manchester* (*f*), the Bishop of Manchester refused to institute a clerk, on the ground that he had, whilst acting as a curate to a former holder of the benefice, habitually committed offences against ecclesiastical law and failed to observe the Book of Common Prayer by wearing unlawful vestments and doing unlawful acts in respect of matters of ritual when officiating in the communion service; and that he declined to undertake not to repeat the offences in the future. In an action against the Bishop, in which the patron claimed a declaration that he was entitled to have the clerk instituted, it was held that the defendant had acted within his discretion in refusing to institute the clerk upon the above grounds.

The clerk instituted then pays, or compounds for the payment of, the first-fruits (*g*) at the office of first-fruits,

(*d*) Can. 39.

(*f*) 12 Q. B. D. 404.

(*g*) First-fruits and tenths were originally payments made to the Pope as head of the Church. They were annexed to the Crown, as head of the Church, in the reign of Henry VIII. By 2 & 3 Anne, c. 11, the revenues accruing from first-fruits and tenths are vested in trustees for ever, to form a perpetual fund for the augmentation

unless the benefice be discharged from such payment. The mandate of induction is directed to some person who inducts the clerk.

The clerk must read the Common Prayer, and declare assent and consent within two months next after actual possession, according to the statute 13 & 14 Car. II. c. 4, s. 6, unless dispensed with by the ordinary upon some lawful impediment.

He must also make a declaration in the church that he will conform to the Liturgy of the Church of England as it is by law established; and after such declaration read the certificate of his having subscribed it before the bishop. These to be done within three months after institution.

In addition to this, he must read the Thirty-nine Articles in time of common prayer, with declaration of his unfeigned assent thereunto, within two months after induction (*h*).

Devolution of the right of presentation in an advowson presentative;

In an advowson presentative the right of presentation, once it has accrued due (that is, when the living has become vacant), is a personal chattel; and when the vacancy occurs before the death of the patron, the right to present will descend to his executors, and not to his heir-at-law (*i*). In an advowson donative, however, the right of presentation formerly went to the heir-at-law

in an advowson donative

of poor livings. This is usually called Queen Anne's Bounty. See hereon, Steph. Com. 13th ed. vol. ii. p. 462.

(*h*) Appendix to Bacon's Liber Regis, ed. 1786.

(*i*) Steph. Com. 7th ed. vol. ii. p. 717.

even although the lapse has occurred in the lifetime of the intestate (*k*).

Aliens were formerly unable to exercise the rights of a patron over a living, the right of presentation going to the Crown, but this disability appears to have been removed by a recent statute (*m*). Persons professing the Roman Catholic faith are still unable to present to a living, the right of presentation being in such cases given to the Universities of Oxford and Cambridge (*n*). Where one of two tenants in common of an advowson is a Protestant and the other a Papist, the right of presentation devolves on the Protestant alone (*o*). Aliens.
Roman Catholics.

Where a person professing the Jewish religion holds any office in the gift of the Crown to which the right of presentation to an ecclesiastical benefice attaches, such right devolves on the Archbishop of Canterbury (*p*). Persons professing the Jewish faith.

It appears that the *patron* of a living may present himself, but the more legal and proper way is to make Patron may present himself;

(*k*) *Repington v. The Governors of Tamworth School*, 2 Wilson, 150; 8 Bing. 563. But see s. 12 of the Benefices Act, 1898.

(*m*) 33 Vict. c. 14, s. 2; Tudor's Leading Cases, 4th ed. p. 836, notes to *Fox v. The Bishop of Chester*.

(*n*) 1 Will. & Mary, c. 26. See also 3 Jac. I. c. 5; 12 Anne, stat. 2, c. 14; 11 Geo. II. c. 17. In *Boyer v. The Bishop of Norwich*, [1892] A. C. 417, it was held that a presentation to a benefice made by a college on the presentation of a Roman Catholic patron was void. In that case it appeared on the face of the presentation that it was made not in right of the college, but in trust for the Roman Catholic patron.

(*o*) *Edwards v. The Bishop of Exeter*, 5 Bing. N. C. 652.

(*p*) 21 & 22 Vict. c. 49, s. 4.

over the right to some other person before the avoidance, but not owner of next presentation. by whom the presentation should be made (*q*). The owner of the *next presentation* cannot, however, present himself (*r*). The purchase of an estate for life in an advowson, however, is not a purchase of a next presentation, and the purchaser may present himself on the next avoidance (*s*).

Descent of advowsons.

Advowsons are incorporeal hereditaments, and on intestacy descend to the heir, and are real assets in his hands for payment of the debts of the intestate (*t*).

Lapse.

If the patron does not present to the living within a limited time, the right of presentation *lapses* to the ordinary (or bishop); if the bishop does not present the right lapses to the metropolitan (archbishop), and, on the metropolitan's neglect, to the Crown.

Time within which presentation must be made—six calendar months.

The term after which the title to present by lapse accrues from one to the other respectively is six calendar months, or 182 days, exclusive of the days of the avoidance (*u*).

(*q*) Burn's Ecclesiastical Law, 9th ed. vol. i. p. 145, tit. "Benefice."

(*r*) 12 Anne, stat. 2, c. 12, s. 2.

(*s*) *Walsh v. The Bishop of Lincoln*, 10 C. P. 518. When the clerk is himself the patron, he cannot sue the ordinary at the same time in *quare impedit* and in *duplex querela*, but must elect which remedy he will take: *Ibid*.

(*t*) *Robinson v. Tonge*, Str. 879; *Viner, Assets*, A. 28; 3 Br. P. C. 550.

(*u*) In the case of a first or second presentation by a patron to the same vacancy, the time between a presentation and refusal by the bishop to induct under the Benefices Act and the time while an appeal is pending does not count: *The Benefices Act, 1898*, s. 5.

The bishop has not a double time allowed in respect of advowsons to which he collates.

The patron's right to present is not extinguished by the lapse to the bishop, and the latter will be compelled to institute a clerk presented by the patron, unless he has already collated to it. The patron has the same right if the presentation has lapsed to the archbishop. Where, however, the right has lapsed to the Crown, the patron completely loses his right to the presentation. The right of the bishop and archbishop is completely lost if they do not exercise it within the limited time.

Time runs as against the patron from the concurrence of the vacancy when it arises from death, or by reason of plurality (*x*); but where the vacancy occurs by resignation or canonical deprivation, or (except in the case of an ecclesiastical patron) where the clerk presented is refused for insufficiency, the bishop must give notice of the vacancy or insufficiency to the patron, and the six months only dates from the giving of such notice.

Where the right of presentation is contested by action, no lapse occurs until the question is decided (*y*).

An infant, whatever is his age, presents by himself, not by his guardian (*z*). In the case of a lunatic the Lord Chancellor presents (*a*). Joint tenants must concur

The bishop is not allowed double time in respect of advowsons collative.

Patron's right of presentation not extinguished by lapse to bishop or archbishop; but right is extinguished by lapse to the Crown.

Rights of presentation of bishop and archbishop are lost if they lapse.

From what period time runs against the patron.

Where right of presentation is contested.

Infant patron.

Lunatic.

Joint tenants.

(*x*) As to plurality, see *post*, p. 82.

(*y*) Steph. Com. 13th ed. vol. ii. p. 635.

(*z*) *Shoplane v. Roydler*, Cro. Jac. 98; Co. Litt. 17 b, 89 a; *Hearle v. Greenbank*, 3 Atk. 710.

(*a*) Tudor's Leading Cases, 4th ed. pp. 831, 833, notes to *Fox v. The Bishop of Chester*.

in presentation, but if they present different clerks, the bishop may refuse any one of them, or refuse all. Partition may, however, be made of the advowson by the joint tenants presenting in turns (*b*).

Coparceners. Coparceners, if they cannot agree to present jointly, present in turns, the law giving the right to each according to seniority, and the right to the first presentation goes to the issue (*c*) or grantee of the eldest sister (*d*).

Simony. *Simony* is the corrupt presentation of any person to any ecclesiastical benefice, for money, gift, or reward (*e*).

Punishment for simony. The statute 31 Eliz. c. 6, provides that if any patron presents for money, reward, or promise of money or reward, to any ecclesiastical benefice or dignity, both giver and taker shall forfeit two years' value of the benefice or dignity, one moiety to the Crown and the other to any person who will sue for the same, and such presentation shall be void, and the presentee rendered incapable of ever enjoying the same benefice, and the Crown shall present to it that turn (*f*).

Plurality. Plurality, or the holding of more than one benefice, was expressly forbidden by the Common Law, and the clerk accepting a second benefice with cure of souls was condemned to lose the first (*g*). It is now, however,

More than

(*b*) Tudor's Leading Cases, 4th ed. p. 831, notes to *Fox v. The Bishop of Chester*.

(*c*) *Gully v. Bishop of Exeter*, 10 B. & C. 584.

(*d*) *Barker and Cooke v. The Bishop of London*, Willes, Rep. 659.

(*e*) Steph. Com. 13th ed. vol. ii. p. 635.

(*f*) 31 Eliz. c. 6, ss. 5, 6.

(*g*) Hughes, c. 16; Gibs. 903.

provided by statute that no spiritual person may hold more than two benefices, or one benefice and one cathedral preferment, at the same time (*h*). An exception is, however, made in the case of an archdeacon, who may hold two benefices in addition to the archdeaconry (*i*).

two benefices cannot be held together ;

except in the case of an archdeacon.

The churches of the two benefices held together must be within three miles of one another by the nearest road (*k*), and the annual value of one of them must not exceed £100 (*l*). The incumbent of a benefice with a population of more than 3,000 persons cannot hold there-with any benefice having a population of more than 500 persons (the population is ascertained from the latest parliamentary returns (*m*)). Before any spiritual person can accept a second benefice, a licence or dispensation must be obtained from the Archbishop of Canterbury (*n*).

Condition under which two benefices can be held together.

Distance.
Value.

Population.

Licence.

On any admission to a new benefice, or preferment contrary to the above provisions, every benefice or preferment previously held becomes *ipso facto* void as if the holder had resigned (*o*).

Admission to benefice contrary to the statute makes any former benefice held by the clerk vacant.

Resignation bonds.

Resignation bonds are bonds given on account of an agreement to resign a benefice when another person

(*h*) 1 & 2 Vict. c. 106, s. 2 ; and see also the Pluralities Amendment Act, 1885 (48 & 49 Vict. c. 54), and the Pluralities Act, 1887 (50 & 51 Vict. c. 68).

(*i*) 1 & 2 Vict. c. 106, s. 2.

(*k*) *Ibid.* s. 129.

(*l*) 13 & 14 Vict. c. 98, ss. 1, 2.

(*m*) 1 & 2 Vict. c. 106, s. 130.

(*n*) *Ibid.* s. 6.

(*o*) *Ibid.* s. 11 ; and 13 & 14 Vict. c. 98, s. 7.

- specially named shall become qualified to take the same. These bonds were originally illegal (*p*), but have now, subject to certain conditions, been made legal by the 9 Geo. IV. c. 94 (*q*). To be valid the bond must be (1) entered into before the presentation, nomination, or collation of the person entering into it (*r*); (2) it must be made in favour of one or two persons specially named and described in the bond; (3) where made in favour of two persons, each of them must be, either by blood, or marriage, an uncle, son, grandson, brother, nephew, or grand-nephew of the patron or one of the patrons (patron here means the person who has the beneficial right to the patronage, and not a mere trustee (*s*)). One part of the bond must be deposited with the registrar of the diocese or peculiar within two calendar months of its date (*t*).
- Essentials of validity. Bond must be deposited with the registrar of the diocese.
- Resignation must refer to the bond. Any resignation made in pursuance of an agreement to resign must refer to the agreement, and state the name of the person for whose benefit it is made; the resignation is void unless the person named is presented within six calendar months after notice of the resignation has been given to the patron (*u*).
- Presentation must take place within six months after notice of resignation.
- (*p*) *The Bishop of London v. Ffytche*, 2 Bro. P. C. 211; *Fletcher v. Lord Sondes*, 5 B. & A. 835; on appeal, 3 Bing. Rep. 598; 1 Bligh (N.S.) 144.
- (*q*) As to such agreements made prior to the 9th of April, 1827, see 7 & 8 Geo. IV. c. 25.
- (*r*) 9 Geo. IV. c. 94, s. 1.
- (*s*) *Ibid.* s. 2.
- (*t*) *Ibid.* s. 4.
- (*u*) *Ibid.* s. 5.

Exchanges of advowsons and rights of patronage may be effected through the Ecclesiastical Commissioners. Exchanges of advowsons. Where the patron is a corporation sole or aggregate, the consent of the bishop is required. If the bishop is himself the patron the consent of the archbishop must be given (*x*).

(*x*) See 6 & 7 Will. IV. c. 77; 4 & 5 Vict. c. 39, s. 22; 16 & 17 Vict. c. 50; 23 & 24 Vict. c. 124, s. 42; 31 & 32 Vict. c. 114, s. 12; 33 & 34 Vict. c. 39.

CHURCH LANDS.

Lands, in
whom vested.

THE freehold of the lands of the church is vested in the holder or holders (in their corporate capacity), for the time being, of the ecclesiastical offices to which such lands are attached (*y*). The fee simple is in abeyance (*z*).

Freehold of
chancel and
churchyard.

The freehold of the chancel is in the rector, whether ecclesiastical or lay, and he is under the obligation of repairing it, unless exonerated by express custom. In the case of *Morley v. Leacroft* (*a*), a lay rector was admonished for failing to repair the chancel, and ordered to pay the costs of a criminal suit against him. In vicarages the churchyard is the vicar's freehold (*b*). Where the rector is a layman, that is, when the living has been appropriated, he is entitled to the chief seat in the chancel (*c*), but cannot make a vault or affix a tablet in the chancel without

(*y*) Corporations are artificial persons created by the law, and endowed by it with the capacity of perpetual succession. They consist of collective bodies of men or of single individuals: the first are called corporations aggregate; the second, corporations sole. The existence of corporations is constantly maintained by the succession of new individuals in the place of those who die or are removed: Steph. Com. 13th ed. vol. iii. p. 2.

(*z*) See Litt. s. 645; Bract. 1, 4, tr. 5, c. 1. Co. Litt. 341 a.

(*a*) [1896] P. 92.

(*b*) Wats. C. L. 391; *Champneys v. Arrowsmith*, L. R. 2 C. P. 602; 3 C. P. 107.

(*c*) His right to the chief "seat" seems clear; whether this means "pew," *i.e.* seat for himself and others, does not appear to be so clear. See *Stileman-Gibbard v. Fletcher*, [1897] 1 Q. B. 749.

the consent of the ordinary (*d*). The right of possession of the church is, however, in the minister and churchwardens, and trespass cannot be maintained against them by the lay rector for breaking open a door leading from the churchyard into the chancel (*e*).

In *Churton v. Trewen* (*f*), a lord of a manor (although not lay rector) successfully claimed the chancel of a church by proof of immemorial use and occupation with reparation. The chancel was in this case shown to be an ancient private chapel, erected by the lord of the manor, and the Court held that the immemorial use and occupation and reparation were sufficient to uphold the claim by prescription.

The Court has only jurisdiction in a criminal suit against a lay rector for non-repair of the chancel, where the chancel is out of repair at the time of the institution of the suit (*g*).

Jurisdiction over a lay rector.

The property of an ecclesiastical corporation generally includes an official residence, in which the holder of the office is bound to reside, and from which he must not absent himself "for any period exceeding the space of three months together, or to be accounted at several times, in any one year," under penalty of forfeiting one-third part of the annual value of the benefice where his absence exceeds three months but does not exceed six months;

Official residence. Incumbent must not absent himself from official residence for more than three months in the year. Penalty for absence.

(*d*) Cripps' Church Law, 6th ed. p. 393; *Griffin v. Deighton*, 33 L. J. Q. B. 181.

(*e*) *Griffin v. Deighton*, 33 L. J. Q. B. 181.

(*f*) 2 Eq. 634.

(*g*) *Neville v. Kirby*, [1898] P. 160.

one-half where the absence exceeds six months but not eight months; two-thirds where it exceeds eight months; and three-fourths where the absence is for the whole year (*h*).

Except where resident at another benefice; or by licence of the bishop.

Such forfeiture does not occur if such spiritual person is resident at some other benefice of which he is possessed (*i*), and a licence or exemption may be granted by the bishop to reside in some other house (*k*). By various statutes the profits of the benefice may be mortgaged to raise the necessary funds for repairing or rebuilding the residence, or providing a new one (*l*).

Charging lands with money borrowed for benefit of benefice.

Lands held in right of a church, chapel, or other ecclesiastical benefice may be charged with money borrowed for the improvement of such lands (*m*), but the sanction of the Inclosure Commissioners for England and Wales must be obtained to such charge, and such sanction cannot be given unless and until the patron of the benefice and the bishop of the diocese signify to the Commissioners, by

(*h*) 1 & 2 Vict. c. 106, s. 32. In addition to these penalties, the Act contains powers for enforcing residence by monition and sequestration of the benefice, and by the compulsory appointment of a curate.

(*i*) As to the holding of two benefices, see Plurality, *ante*, Ch. Advowsons.

(*k*) 1 & 2 Vict. c. 106, ss. 32, 33.

(*l*) See herein statutes 17 Geo. III. c. 53; 1 & 2 Vict. cc. 23, 106; 5 & 6 Vict. c. 26; 19 & 20 Vict. c. 50.

(*m*) See 27 & 28 Vict. c. 114. There are other Acts which have been passed, as local and personal Acts, constituting companies with power to advance money for the improvement of ecclesiastical lands, and whereby incumbents can charge their lands with money borrowed for that purpose: see 47 & 48 Vict. c. 67.

writing under their hands, their consent respectively to the application for the Commissioners' sanction (*n*).

The glebe is the land which is attached to a church for the support of the priest serving it. Formerly a church could not be consecrated without an endowment in land, and hence all ancient churches have a glebe (*o*). Although the freehold of the glebe vests in the incumbent for the time being as a corporation sole, he is regarded by the law as a tenant for life, and is prevented from alienating the estate. If the glebe lands are retained in the possession of the incumbent, he may cultivate them in the way he pleases (*p*), but he cannot commit waste of any kind (*q*).

The glebe.

Glebe vests in the incumbent for the time being as a corporation sole;

but incumbent may not commit waste.

The incumbent of a living cannot open mines without the consent of the patron and ordinary (*r*). It is very doubtful whether he can do so with such consent (*s*). In the case of *Bartlett v. Phillips* (*t*), the coal under parts of the glebe had at different times since 1756 been obtained, with the consent of the vicars for the time being, by the persons working adjoining collieries, and royalties had

Opening mines.

(*n*) The Improvement of Lands (Ecclesiastical Benefices) Act, 1884 (47 & 48 Vict. c. 67).

(*o*) *Gleba est terra in qua consistit dos ecclesiæ*; Com. Dig. Dismes, B. 2; Lind. 254.

(*p*) *Bird v. Relfe*, 4 B. & Ad. 826; 5 Ad. & Ell. 773; 1 Nev. & Mann. 415.

(*q*) *Knight v. Moseley*, Amb. 176; *Huntley v. Russell*, 13 Ad. & E. 572.

(*r*) *Holden v. Weekes*, 1 J. & H. 278; 6 Jur. (N.S.) 1288; 30 L. J. Ch. 35.

(*s*) Phillimore's Ecclesiastical Law, 2nd ed. 1257.

(*t*) 4 De G. & J. 414.

been paid to the vicars for the right of working. The working had been conducted solely by underground tunnels, and the surface of the glebe had not been entered upon. In 1844 the then vicar made a lease demising the minerals in the glebe to a company, one of the conditions of the lease being that the surface of the glebe should not be broken. The Lords Justices on these facts decided that the mines were not old ones previously opened; that the vicar had no right to receive the royalties, and that the royalties must be invested for the permanent benefit of the living. Glebe lands can be sold under the provisions of the Glebe Lands Act, 1888. The sale has to be approved by the Land Commissioners after notice to the bishop and patron. The purchase-money is invested in the name of the Ecclesiastical Commissioners, and the income applied in the same way as the income of the land sold.

Timber for
repairs.

It appears that where an ecclesiastical body has the right to fell timber for the repairs of its buildings, it is not bound to use the specific timber, if grown upon land belonging to the corporation, very distant from the place where it is intended to be used—*e.g.*, eighteen miles away^(u).

A vicar has not, however, any right to sell timber to make a general repairing fund^(x).

^(u) *Wither v. The Dean and Chapter of Winchester*, 3 Mer. 421. See, however, *The Duke of Marlborough v. St. John*, 5 De G. & Sm. 154; 21 L. J. Ch. 381; 16 Jur. 310.

^(x) See remarks of Lord Hardwicke in *Knight v. Moseley, Amb.* 176; Phillimore's Ecclesiastical Law, 2nd ed. 1258.

A vicar is entitled to cut timber for proper and necessary repairs for the vicarage-house, buildings, and premises (y). Timber.

The glebe lands and building may be leased by the incumbent for any term not exceeding fourteen years, or twenty years where the tenant covenants for improvements (z). Lease of glebe.

The lease, which must be at the best rent and made without fine, must take effect in possession and not in reversion or by way of future interest. The patron of the benefice, bishop of the diocese, and, if the lands are copyholds, the lord of the manor (where a lease cannot be made without his consent) must all consent to the lease and join in the deed. Requisites of lease.
Rent.
Must take effect in possession.
Parties.

The covenants to be contained in the lease are expressly laid down by the Act, and include covenants for insurance and repairs (z). Covenants.

The parsonage-house and offices and ten acres of glebe situate most conveniently for occupation cannot be leased (a). If there be not ten acres of glebe within five miles of the parsonage, or of the church where there is no parsonage, the whole of the land within that distance must be reserved (a). Cannot lease parsonage-house, &c.

The parsonage-house or residence and buildings may, however, be let under an agreement (b); but where any spiritual person may be required, by order of the bishop of the diocese, to reside in the parsonage-house or resi- Parsonage-house may be let under a special agreement.

(y) *Sowerby v. Fryer*, 8 Eq. 417.

(z) 5 & 6 Vict. c. 27, s. 1.

(a) *Ibid.* s. 2.

(b) A licence for non-residence will of course be necessary unless the incumbent resides at another benefice.

dence, or where it may be assigned by the bishop as a residence for any curate, the agreement must be in writing, and must contain a condition for avoiding the same upon a copy of the order of the bishop being served upon the occupier. If these conditions are not complied with, the agreement is null and void (*e*).

Building,
mining leases.

The glebe lands may also be let by the incumbent (with the consent of the Ecclesiastical Commissioners, patron, and, if they are of copyhold tenure, of the lord of the manor) for terms not exceeding ninety-nine years for a building lease, sixty years for a mining lease, leases of water-courses, way-leaves, railroads, and other like easements (*f*).

Widow may
use residence
for two calen-
dar months
after hus-
band's death.

The widow of any spiritual person holding any benefice to which a house of residence is annexed, and in which he was residing at the time of his death, is entitled to occupy such house—and the curtilage and garden belonging to it—for any period not exceeding two calendar months after her husband's decease (*g*).

Parishioners
have the right
of burial in
the church-
yard.

The churchyard, like the glebe, is vested in the incumbent for the time being of the parish (*h*). The freehold is in the rector, the fee being in abeyance; but the fee is vested in the rector for the use (in so far as may be required) of the parishioners. Subject to the use of the parishioners, the rector is entitled to receive the profits arising from the churchyard. The rector cannot make

Churchyard.

(*e*) 1 & 2 Vict. c. 106, s. 59.

(*f*) 5 & 6 Vict. c. 108, ss. 1, 4, 6; 21 & 22 Vict. c. 57.

(*g*) 1 & 2 Vict. c. 106, s. 36.

(*h*) *Attorney-General v. Ruper*, 2 P. Wms. 125.

any appropriation of the soil of the churchyard; such appropriation can only be made by faculty (*i*). The incumbent is not entitled to demise rights over the churchyard with the consent of the patron of the living and the Ecclesiastical Commissioners under the Ecclesiastical Leasing Acts, 1842 and 1858 (*k*), as these Acts are limited in their operation to the glebe lands and property of that description, and do not extend to the churchyard (*l*). All parishioners have the right of being buried in the churchyard of their own parish, and this without the leave of the incumbent (*m*); this right is extended to the bodies of all persons "cast on shore from the sea, in case of wreck or otherwise" (*n*), and the right extends not only to dead human bodies found in or cast on shore from the sea by wreck or otherwise, but also to any dead human body or dead human bodies found in or cast on shore from any tidal or navigable waters, or found floating or sunken in such waters, and brought on to the shore or bank thereof (*o*). The right of burial also applies as a moral claim to all strangers, although the last have no legal claim (*p*). A vicar of a parish may

Right extends
to persons cast
on shore, &c.

(*i*) *Rector, &c. of St. Gabriel, Fenchurch Street v. City of London Real Property Co.*, [1896] P. 95.

(*k*) 5 & 6 Vict. c. 108; and 21 & 22 Vict. c. 57.

(*l*) *Rector, &c. of St. Gabriel, Fenchurch Street v. City of London Real Property Co.*, [1896] P. 95, 101.

(*m*) *Maidment v. Malpas*, 1 Hagg. Cons. 205, 208; *Gilbert v. Buzzard and Boyer*, 2 Hagg. Cons. 333, 348.

(*n*) 48 Geo. III. c. 75.

(*o*) 49 Vict. c. 20.

(*p*) *Kempe v. Wickes*, 3 Phil. 265, 274.

make a special contract for the payment of a fee, other than the customary burial fee, for the burial of a non-parishioner in a particular vault in the parish church (*q*).

Right of burial includes that of having the service of the church.
Exceptions.

The right of burial includes that of being buried in accordance with the customs of the Church of England, except in cases of persons who "die unbaptized or excommunicate, or have laid violent hands upon themselves" (*r*).

Burials Act, 1880.

It was, until the Burials Amendment Act, 1880 (*s*), illegal for a layman, or for any one else, unless lawfully authorized, to read, or assist in reading, a burial service in consecrated ground over a dead body (*t*).

By that Act, however, burials may take place in churchyards or graveyards without the rites of the Church of England. The burial may take place *either with or without any religious service*; such service may be conducted by any person having charge of the burial.

A minister of the Church of England may officiate with the service of the Church of England in unconsecrated ground.

In cases where the office for the burial of the dead may not be used, or in any other case at the request of the relative, friend, or legal representative of the deceased having charge of the funeral, a minister of the Church

(*q*) *Neville v. Bridger*, 9 Ex. 214; *Ex p. Blackmore*, 1 B. & Ad. 122.

(*r*) First rubric of the burial office. Persons dying in a state of intoxication have a right to burial.

(*s*) 43 & 44 Vict. c. 41.

(*t*) *Johnson v. Friend and Ballard*, 6 Jur. (N.S.) 280.

of England may use such service, consisting of prayers taken from the Book of Common Prayer, and portions of the Scriptures, as the ordinary may prescribe or approve (*u*).

The Act contains provisions for the burial of paupers, and the registration of burials under it.

It is not lawful to erect any buildings upon any disused burial ground, except for the purpose of enlarging a church, chapel, meeting-house, or other place of wor-

Disused burial grounds.

ship (*x*). The rebuilding and extension by way of enlargement of schools and a parish hall erected on a disused burial ground, and which were used for mission services for adults and children, and which it was intended to use when rebuilt for the same purposes supplemental to the services of the parish church, was held to come within the above exception (*y*). These restrictions on building do not apply to any burial-ground sold or disposed of under the authority of Parliament (*z*).

Applied for enlarging a school;

A faculty can be granted allowing a portion of a disused burial ground to be used for the widening of a street (*a*).

for widening a street.

Exchange of benefice by incumbents must be made

Exchange of benefices—

(*u*) 43 & 44 Vict. c. 41, ss. 1, 6, 12.

(*x*) The Disused Burial Grounds Act, 1884 (47 & 48 Vict. c. 7), s. 3.

(*y*) *St. James the Less, Bethnal Green*, [1898] P. 55.

(*z*) The Disused Burial Grounds Act, 1884 (47 & 48 Vict. c. 7), s. 5. See as to the construction of this Act, *St. Saviour's Rectory and Oylor*, 31 Ch. D. 412. The decision of Bacon, V.C., was afterwards affirmed by the Court of Appeal.

(*a*) *Re Bideford Parish*, [1900] P. 314.

- how effected. with the licence of the ordinary. Such exchanges are effected by an instrument in writing executed by both parties agreeing on the exchange, in pursuance of which both benefices are then resigned to the ordinary. There appears to be an implied condition on such exchange that the resignation shall be of no effect unless the exchange be fully executed (*b*). An agreement on an exchange that no payment for dilapidations should be made on either side is not simoniacal (*c*).
- Implied condition on exchange.
- Dilapidations. The incumbent is bound to keep the buildings of the benefice, including the parsonage-house and, unless there is a lay rector, the chancel, in good repair (*d*). The duties of incumbent as regards repairs have been consolidated and codified by "The Dilapidations Act, 1871" (*e*). Under this Act either the incumbent himself or the archdeacon, the rural dean, or patron of the benefice, may apply to the bishop of the diocese for an inspection of the buildings. The bishop may then order an inspection to be made by the diocesan surveyor. A copy of such complaint must be forwarded by the bishop to the incumbent, or the sequestrator where the living has been
- "Dilapidations Act, 1871."
Persons entitled to apply for an inspection of the buildings.
- Surveyor's report.

(*b*) Burn's Ecclesiastical Law, 9th ed. vol. ii. p. 238, tit. "Exchange;" Perks, s. 288; *Downes v. Craig*, 9 M. & W. 166. See *contra*, however, *Rumsey v. Nicholl*, 2 C. P. D. 179, 294.

(*c*) *Wright v. Davies*, 1 C. P. D. 638.

(*d*) This obligation only extends to buildings, and does not extend to waste committed in digging gravel in the glebe: *Rose v. Adcock*, 3 C. P. 655.

(*e*) 34 & 35 Vict. c. 43. This statute is slightly altered and amended by statute 35 & 36 Vict. c. 96.

sequestrated, a month before the inspection is ordered (*f*). The surveyor reports (1) what repairs are necessary; (2) their probable cost; and (3) when they ought to be executed (*g*). The incumbent, or the sequestrator, if any, may then object to the report. If no objections are made, the report is final. When objections are made, the report, as modified by the bishop's decision, is final (*h*).

If the incumbent fails to carry out the repairs within the prescribed time, the bishop may raise the necessary funds by sequestration of the benefice (*i*). Where the repairs have been completed to the satisfaction of the surveyor the incumbent is entitled to a certificate, which exempts him from all liability to a further survey or report for five years, and if he vacates the benefice within that period exempts him and his personal representative from all claims for dilapidations except for wilful waste (*k*).

Remedy by sequestration if the incumbent fails to carry out repairs.
Certificate of due repairs.

But to secure himself from loss or damage arising from fire within the five years, the incumbent must have insured the house and building belonging to the benefice to at least three-fifths of their value before the certificate is filed, and must continue the insurance.

Insurance against fire.

On the decease of an incumbent his representatives

Liability of

(*f*) 34 & 35 Vict. c. 43, s. 12.

(*g*) *Ibid.* s. 15.

(*h*) *Ibid.* s. 16.

(*i*) *Ibid.* s. 23. The sequestrator has no authority to expend on repairs out of the proceeds of the benefice a larger sum than that estimated as necessary by the surveyor's report, and if he makes a larger expenditure the surplus will be disallowed: *Kimber v. Paravicini*, 15 Q. B. D. 222.

(*k*) 34 & 35 Vict. c. 43, s. 47.

representative of incumbent for dilapidations. are not liable on any claims for dilapidations if he holds a certificate of a diocesan surveyor granted within five years of his decease, unless for wilful waste or damage by fire when he is not properly insured (*l*). In cases where no such certificate has been granted, his representatives are liable for dilapidations, but the claim must in every case be founded on a report of the diocesan surveyor (*m*).

Inspection on vacancy. On any vacancy (except where a certificate of repairs granted within five years is held) through death or otherwise, an inspection by the diocesan surveyor must be directed by the bishop within three months of its occurrence, and objections may be taken to it both by the new incumbent and the one who is leaving the benefice, or by the representatives of the deceased incumbent (*n*). The sum ordered to be paid for dilapidations is recoverable as a debt due from the representatives of the late incumbent to the new one (*o*). The incumbent is required to insure all the buildings belonging to the benefice in some insurance office satisfactory to the Governors of Queen Anne's Bounty, in the names of himself and such governors, to at least three-fifths of its value, and to produce the receipts for the premiums on the visitation of the bishop or archdeacon (*p*). Where any building is

Sum ordered to be paid for dilapidations recoverable as a debt.

Insurance.

Money paid

(*l*) 34 & 35 Vict. c. 43, s. 47.

(*m*) *Ibid.* s. 53.

(*n*) *Ibid.* ss. 29, 32. The provision as to time is directory only, and a direction by the bishop to inspect and report made more than three months after the avoidance of the benefice is valid: *Caldon v. Pixell*, 2 C. P. D. 562.

(*o*) 34 & 35 Vict. c. 43, s. 60.

(*p*) *Ibid.* ss. 54, 55.

destroyed by fire, and the insurance company elect to pay the money instead of reinstating the building, the money is paid to the Governors of Queen Anne's Bounty and applied in making the repairs (*q*). The incumbent has to make up any deficiency in the money recovered on the insurance (*r*).

under insurance, how applied.

Incumbent must make up deficiency of insurance.

The statutory debt for dilapidations under the Ecclesiastical Dilapidations Act, 1871, is provable against the estate of a deceased incumbent dying insolvent *pari passu* with other debts (*s*).

It is provided by 29 & 30 Vict. c. 111, s. 12, that no archbishop or bishop succeeding to a see shall have any claim against his predecessor therein, or his representatives, in respect of dilapidation on the estate forming the endowment of such see; but all claims, rights, remedies, and powers of recovery which the archbishop or bishop so succeeding as aforesaid would legally have had against his predecessor or his representatives in respect of dilapidations shall belong to and be possessed by the Ecclesiastical Commissioners, and may be enforced and exercised on their behalf by the Estates Committee; but the section is not to extend to the case of any dilapidations occurring in or about the house or houses of residence belonging to any see, or in or about the appurtenances of any such house or houses.

Claims by archbishops or bishops to dilapidations.

(*q*) *Ibid.* s. 56.

(*r*) *Ibid.* s. 57.

(*s*) *Re Monk, Wayman v. Monk*, 35 Ch. D. 583.

TITHES.

Tithes. TITHES, or the tenth part of the income of property, were given by law to the Church during the Saxon period, and appear before that time to have been paid voluntarily by the laity (*t*).

Out of what payable. Tithes are only payable out of such things as yield a yearly increase by the act of God (*u*), such as grain, fruit, cattle, and underwood, and, as a general rule, are payable

Things excepted from payment of tithes by the Common Law. only once in a year (*x*). By the Common Law tithes are not payable for things *feræ naturæ*, for animals kept for pleasure or curiosity, or for things of the substance of the earth, such as minerals, bricks, tiles, earthen pots,

Exemption of lands of certain religious orders. &c. (*y*). Certain religious orders were also privileged to hold their lands exempt from tithes (*z*), and on the dis-

(*t*) As to the early history of tithes, see Prideaux on Tithes, pp. 165—167; Burn's Ecclesiastical Law, 9th ed. vol. iii. p. 679, tit. "Tithes."

(*u*) 1 Rolle's Abr. 641.

(*x*) Both these rules are subject to exceptions, as, for instance, tithes are due of saffron, though gathered but once in three years. Seeds which are sown upon the same ground, and renewed oftener than once in the same year, *e.g.*, clover, pay tithes as often as they are renewed: Phillimore's Ecclesiastical Law, 2nd ed. p. 1150.

(*y*) 2 Inst. 651.

(*z*) These religious orders were the Cistercians, Templars, Hospitalers, and Præmonstratenses. By the Council of Lateran held in the year 1215, only those lands were exempted from tithes

solution of the monasteries this exemption was expressly reserved to the Crown and its grantees (*a*) in some, but not all cases. The monasteries which were so dissolved, and whose lands were still to continue exempt from tithes, are set out in a schedule to the statute 31 Hen. VIII. c. 13. These lands, except in the case of the king, are free from the payment of tithes only so long as they are in the hands and manurance of their owners (*b*).

Exemption continues only while lands are in the possession of the owner.

Tithes are divided into prædial, mixed, and personal.

“Prædial tithes are such as arise merely and immediately from the ground, as grain of all sorts, hay, wood, fruits, herbs.”

Prædial tithes.

Mixed tithes are those which arise “from things immediately nourished by the ground, as by means of goods depastured thereupon, or otherwise nourished with the fruits thereof: as colts, calves, lambs, chickens, milk, cheese, and eggs.”

Mixed tithes.

Personal tithes are such profits as do arise by the personal labour and industry of a man, being the tenth part of the clear gain, after charges deducted (*c*).

Personal tithes.

Tithes are again divided into great and small.

Great and small tithes.

Great tithes are ordinarily corn, hay, and wood.

which were in the occupation or possession of the religious house before that Council: Burn's Ecclesiastical Law, 9th ed. vol. iii. p. 668, tit. “Tithes.”

(*a*) 31 Hen. VIII. c. 13, s. 21.

(*b*) Comyns, p. 498; *Fox v. Bardwell E.*, 8 Geo. II.; Wood, bk. 2, c. 2.

(*c*) Burn's Ecclesiastical Law, 9th ed. vol. iii. p. 680, tit. “Tithes.”

Small tithes are the prædial tithes of other kinds, together with the personal and mixed tithes (*d*).

Personal tithes appear to have fallen into disuse (*e*).

Tithe Com-
mutation
Acts.

The right to tithes has now been changed into a rent-charge, varying every year, according to the price of corn (*f*). The rent-charge payable in lieu of tithes is not by the statute rendered a charge on the inheritance, and the owner of the rent-charge is not entitled to claim a sale of the lands in order to recover the arrears of his rent-charge (*g*). By the Tithe Commutation Acts, provision is made for the merger of the tithes or rent-charge in the land, by which the tithes or rent-charge may at once be made to cease whenever both tithes or rent-charges, and the land out of which they are payable, belong to the same person (*h*). This merger may be effected by any tenant in fee or in tail of the

Merger of
tithes in the
land from
which they
issue.

By whom and
how merger
may be
effected.

(*d*) Burn's Ecclesiastical Law, 9th ed. vol. iii. p. 680, tit. "Tithes." When the living is appropriated, the lay rector is entitled to the great, and the vicar to the small tithes.

(*e*) Burn's Ecclesiastical Law, 9th ed. vol. iii. p. 716, tit. "Tithes." Tithes paid for mills are included in the Tithe Commutation Act.

(*f*) This is ascertained from an advertisement published in the *London Gazette*, in the month of January every year, of the Government average price of corn for the seven years last preceding: 6 & 7 Will. IV. c. 71, s. 56.

(*g*) *Bailey v. Badham*, 30 Ch. D. 84. As to power of a tithe-owner to sell for the purpose of raising not exceeding two years' arrears, see 6 & 7 Will. IV. c. 71, ss. 81, 82.

(*h*) The Tithe Commutation Acts are—6 & 7 Will. IV. c. 71; 7 Will. IV. & 1 Vict. c. 69; 1 & 2 Vict. c. 64; 2 & 3 Vict. c. 32; 3 & 4 Vict. c. 15; 5 & 6 Vict. c. 54; 9 & 10 Vict. c. 73; 10 & 11 Vict. c. 104; 23 & 24 Vict. c. 93; 36 & 37 Vict. c. 42; 41 & 42 Vict. c. 42; 48 & 49 Vict. c. 32.

tithes, or by any person having a power of appointment over the fee simple of the tithes, or where the tithes and the lands out of which they are payable are both settled to the same uses by a tenant for life in possession; also by the owner of the glebe in some cases (*i*). The merger is carried out by a deed or declaration under the hand or seal of the person by whom it is to be made, confirmed by the seal of the Tithe Commissioners (*k*).

Tithes may in some cases be commuted for land in lieu of a rent-charge.

The parson of the parish is rated in respect of the tithes, or payments in lieu of tithes, which he is entitled to receive (*l*).

Prior to the Tithe Act, 1891, the tithe rent-charge was recovered by distress if in arrear for twenty-one days after any half-yearly day of payment. Not more than two years' arrears could be recovered by distress (*m*). And it is assumed that not more than two years' arrears can now be recovered, although the Tithes Act, 1891, is not altogether clear on the point (*n*).

Tithe rent-charge formerly recovered by distress.

By the Tithe Act, 1891, tithe rent-charge issuing out Liability of

(*i*) 6 & 7 Will. IV. c. 71, s. 71; 1 & 2 Vict. c. 64; 2 & 3 Vict. c. 62, s. 1; 9 & 10 Vict. c. 73, s. 19.

(*k*) 6 & 7 Will. IV. c. 71, s. 71.

(*l*) See 43 Eliz. c. 2, and 3 & 4 Vict. c. 89. In *R. v. Christopher-son*, 16 Q. B. D. 7, under the provisions of a local Act, the rector of Falmouth received annually the proceeds of a rate, called the rector's rate, made upon the owners of houses, shops, warehouses, cellars, and out-houses. It was held that the rector was not rateable to the poor rate in respect of the amount so received, the same not being in lieu of tithes.

(*m*) 6 & 7 Will. IV. c. 71, ss. 81 and 82.

(*n*) But see s. 2, sub-s. 2, of the Tithe Act, 1891.

owner to pay tithe rent-charge, and modification of contracts with tenants.

of lands is payable by the owner of the lands, notwithstanding any contract between him and the occupier of such lands, and any contract made between an occupier and owner of lands, after the passing of this Act, for the payment of the tithe rent-charge by the occupier shall be void (*o*).

The Act contains provisions for the adjustment of rights under contracts made before the passing of the Act under which the occupier is liable to pay the tithe rent-charge (*p*), but except in such cases the only method of enforcing payment of tithe rent-charge is now as follows :

Recovery of tithe rent-charge through County Court.

Where any sum due on account of tithe rent-charge issuing out of any lands is in arrear for not less than three months, the person entitled to such sum may, whatever is the amount, apply to the County Court of the district in which the lands or any part thereof are situate, and the County Court, after such service on the owner of the lands as may be prescribed (*q*), and after hearing such owner if he appears and desires to be heard, may order that the said sum, or such part thereof as appears to the Court to be due, be, together with the costs, recovered in manner provided by the Act, and tithe rent-charge as defined by the Act shall not be recovered in any other manner (*r*).

(*o*) The Tithe Act, 1891, s. 1, sub-s. 1. The sections of this Act are given as nearly as possible in the words of the Act.

(*p*) See s. 1, sub-s. 2 & 3, and s. 2, sub-s. 6.

(*q*) By rules made under the Act, see s. 3.

(*r*) S. 2, sub-s. 1. See also s. 10, sub-s. 4, and the *Queen v. Paterson*, [1895] 1 Q. B. 31.

Where it is shown to the Court that the lands are occupied by the owner thereof, the order shall be executed by the appointment by the Court of an officer who, subject to the direction of the Court, shall have the like powers of distraint for the recovery of the sum ordered to be paid as are conferred by the Tithe Acts on the owner of a tithe rent-charge for the recovery of arrears of tithe rent-charge, and no greater or other powers; and if there is no sufficient distress the person entitled to the sum ordered to be recovered may proceed to obtain possession of the lands under section eighty-two of the Tithe Act, 1836 (s).

In any other case the order shall be executed by the appointment by the Court of a receiver of the rents and profits of the lands, and of any other lands which would be liable to be distrained upon for the tithe rent-charge to which the order refers under the provisions of section eighty-five of the Tithe Act, 1836, and where any of such lands are held at one rent together with other lands in another parish, the Court shall apportion the rent between the said lands and the lands in the other parish in proportion to their rateable value, in which case the payment of such apportioned rent by the occupier to the receiver shall in every respect, as between the occupier and the owner of the lands, be

6 & 7 Will. IV.
c. 71.

(s) Under this section possession of the land can be held until not exceeding two years' arrears (prior to the time of taking possession) are recovered.

deemed to be a payment on account of the total rent payable to the owner of such lands (*t*).

No personal liability to pay tithe rent-charge.

The Act does not impose or constitute any personal liability upon any occupier or owner of lands for the payment of any tithe rent-charge, or any other sum recoverable or payable under the Act, and the Court has not any power to imprison any such occupier or owner by reason only of the non-payment of such tithe rent-charge or other sum (*u*).

51 & 52 Vict. c. 43.

Lands occupied rent free, &c.

Where a receiver appointed under this Act of the rents and profits of any lands satisfies the County Court that the lands are let on such terms as not to reserve a rent sufficient to enable the receiver to recover from the owner thereof the sum ordered to be recovered, the Court, after such service on the owner and occupier of the lands as may be prescribed, and after hearing such owner and occupier if they appear and desire to be heard, may direct that the order for such recovery shall be executed as if the occupier were the owner of the lands: Provided that any such occupier shall be entitled in addition to any other remedy, unless he would have been liable to pay the tithe rent-charge under any contract made before the passing of the Act, to deduct from any sums at any time becoming due from him to the landlord under whom he holds, any amount which shall have been recovered from him under this section in respect of tithe rent-charge or costs, with

(*t*) S. 2, sub-s. 3.

(*u*) S. 2, sub-s. 9.

interest thereon at the rate of four per cent. per annum: Provided further, that such occupier shall be entitled, notwithstanding anything in the Act, to recover from such landlord by action at law any such amount which shall have been recovered from him under this section as aforesaid as money paid on the account of such landlord (*x*).

An application to a County Court for an order under this Act may be made on behalf of the tithe-owner by his agent, although not a solicitor (*y*). Restrictions
as to costs.

On any application to a County Court for an order under this Act, no costs either of a solicitor or of a witness shall be allowed in any case where the amount claimed is paid without further proceedings, nor where notice of intention to apply for time to pay the tithe-owner's claim has been given (except in cases where costs could be allowed by the Court on a judgment summons), and when notice of opposition has been given within the prescribed time, the costs of a solicitor shall only be allowed for work done subsequent to the notice (*z*).

An appeal lies from the judge of the County Court to the High Court; the procedure is the same as on appeals from inferior Courts to the High Court (*a*). Power of
appeal.

Where a sum is claimed on account of tithe rent- Remission of

(*x*) The Tithe Act, 1891, s. 4.

(*y*) *Ibid.* s. 5, sub-s. 1.

(*z*) *Ibid.* s. 5, sub-s. 2.

(*a*) *Ibid.* s. 7.

tithe rent-charge when exceeding two-thirds annual value of land.
16 & 17 Vict. c. 34.

charge issuing out of any lands, and the County Court is satisfied that, if the sum claimed is paid, the total amount paid on account of the tithe rent-charge for the period of twelve months next preceding the day on which the sum claimed became payable, will exceed two-thirds of the annual value of the lands as ascertained and entered in the assessment for the purpose of Schedule B. to the Income Tax Act, 1853, the Court shall order the remission of so much, whether the whole or part of the sum claimed, as is equal to the excess, and the amount so ordered to be remitted shall not be recoverable; and if the Court is satisfied that neither such remission, nor the liability thereto, has been taken into account in estimating the rateable value of the tithe rent-charge, the Court may remit such amount of any then current rate assessed on the owner of the tithe rent-charge as appears to the Court to be proportionate to the amount of the remission of tithe rent-charge (*b*). The Act also contains provisions for the determination of the annual value of lands which are assessed with other lands (*c*).

The Commissioners of Taxes shall on demand and payment of one shilling give a certificate of the amount of the annual value of any lands under this section.

Where it appears from any award that a special apportionment has been made in pursuance of section

(*b*) The Tithe Act, 1891, s. 8, sub-s. 1.

(*c*) *Ibid.* s. 8, sub-s. 2.

fifty-eight of the Tithe Act, 1836, whereby tithe rent-charge has been charged specially upon certain closes of land in different proportions, and to the exclusion of certain of them, the Court shall not grant a remission under this section unless satisfied that the applicant would have been entitled to such remission if no such special apportionment had been made.

6 & 7 Will. IV.
c. 71.

Where two or more tithe rent-charges issue out of the same lands, and a remission of tithe rent-charge has been made by a County Court under this section, the amount paid by the owner of the lands on account of tithe rent-charge shall be divided between the owners of such tithe rent-charges in proportion to the amount thereof as fixed by the apportionment or any altered apportionment.

This provision only applies to lands used solely for agricultural or pastoral purposes or for the growth of timber or underwood (*d*).

The Ecclesiastical Courts cannot try the right to tithes, unless between the clergy themselves, and can only compel the payment when the right is not disputed (*e*).

Right to
tithes cannot
be tried by
Ecclesiastical
Courts.

The provisions of the Tithe Commutation Acts do not, unless by special provision inserted in the parochial agreement, extend to Easter offerings, mortuaries, or surplice fees, or to the tithes of fish or of fishing, or to any personal tithes other than the tithes of mills, or any mineral tithes (*f*).

Tithe Com-
mutation Acts
do not, in
absence of
special
agreement,
extend to
Easter offer-
ings, &c.

(*d*) The Tithe Act, 1891, s. 8, sub-s. 8.

(*e*) Dale's Clergyman's Legal Handbook, 4th ed. p. 171.

(*f*) 6 & 7 Will. IV. c. 71, s. 90. As to the recovery of small

Tithes in
London.

Tithes in the City of London are a customary rent-charge, assessed on each house in proportion to the rent (*g*).

They are payable even if the houses liable be empty, and are levied on the goods of the succeeding occupier (*h*).

The incumbents of the fifty-one churches destroyed or injured by the great fire have a fixed annual sum in lieu of tithes, being an equal pound-rate on the parishioners (*i*).

Extraordi-
nary tithes.

It was provided by the Tithe Commutation Act (*k*), ss. 40 and 42, that the tithe on hop-grounds, orchards, or market gardens were to be separately valued by the Commissioners, and a separate tithe rent-charge apportioned on them within a particular district, and that the amount of rent-charge payable in respect of such hop-grounds, orchards, or market gardens should be divided into two parts, the one called the ordinary charge, and the other the extraordinary charge. Both the ordinary and extraordinary charge were paid whilst the land was cultivated with hops, or as an orchard or gardens; but if the lands ceased to be so cultivated, then the ordinary charge only was payable. Lands newly cultivated as hop-grounds or tithes and Easter offerings, see *post*, chapter on Pensions, Fees, and Offerings.

(*g*) See 37 Hen. VIII. c. 12, and decree made thereunder. See also hereon *Esdaile v. Payne* (No. 1), 52 L. T. 530; 33 W. R. 864.

(*h*) *Ex parte Savage and Ex parte Wood*, 3 Atk. 639.

(*i*) 22 & 23 Car. II. c. 15.

(*k*) 6 & 7 Will. IV. c. 71. See also 2 & 3 Vict. c. 62, ss. 27, 33; 3 & 4 Vict. c. 15, ss. 18, 19; 23 & 24 Vict. c. 93, ss. 42, 43; and 36 & 37 Vict. c. 42.

market gardens became chargeable with the same extraordinary charge as other lands so cultivated in the same district. This additional charge, however, in the case of lands newly brought into cultivation as hop-gardens or market gardens, was not payable during the first year after the change in cultivation, and only half the additional amount during the second year after such change.

By the Tithe Commutation Acts Amendment Act, 1873 (*l*), the provisions of the Tithe Commutation Act as to market gardens newly cultivated were limited to parishes in which an extraordinary charge for market gardens was distinguished at the time of commutation.

By the Extraordinary Tithe Redemption Act, 1886 (*m*), the whole law as to extraordinary tithes is altered and modified. It provides, by s. 1, that from the date of its passing (the 25th of June, 1886), no extraordinary charge shall be charged or levied under the Tithe Commutation Acts on any hop-ground, orchard, fruit plantation, or market garden newly cultivated as such after the passing of the Act.

By s. 2 the Land Commissioners for England are required, as soon as may be after the passing of the Act, to ascertain, in each parish in England and Wales, and certify the capital value of the extraordinary charge on each farm, or, where not a farm, on each parcel of land in respect of which the said charge is payable. In estimating the capital value, the Commissioners are to take

(*l*) 36 & 37 Vict. c. 42.

(*m*) 49 & 50 Vict. c. 54.

into consideration the net annual value of the charge after allowing for the expenses of collection, rates, taxes (except income-tax), and other outgoings, the value of the land subject to the charge, the length of time during which the charge has been paid, the prospect of the continuance or discontinuance of the special cultivation, the right of the cultivator to discontinue such special cultivation at any time and thereby to cause the suspension of the charge, the prospect of the substitution of other land on the same farm for such cultivation notwithstanding the provisions of s. 1 of the Act, and any other special circumstances applicable to the farm or parcel of land under consideration. The Commissioners, if so advised or requested, are to hear evidence on behalf of the land-owner, the tithe-payer, and the tithe-owner.

The Commissioners are to determine and certify under their seal the capital value of the charge. When the tithe-owner is absolutely entitled to the charge in fee simple in possession, or is empowered to dispose of it absolutely, or to give an absolute discharge for the capital value, the Commissioners may, on the joint application of the tithe-owner, the tithe-payer, and the land-owner, or of the tithe-owner and the land-owner in cases where the last named is also the tithe-payer, certify such amount as may be agreed on between them to be the capital value of the charge included in the application (*n*). Land in respect of which extraordinary charge is payable, so soon as the capital value of the

(*n*) S. 3.

charge has been certified becomes charged with the payment of an annual rent-charge equal to 4 per cent. on such capital value, in lieu of the extraordinary charge. The extraordinary charge ceases on the half-yearly day of payment which immediately precedes the date of the certificate, and the rent-charge becomes a charge on the particular farm or parcel of land in respect of which it has been assessed (*o*).

The Commissioners may exonerate the whole or part of the land from the charge, and may substitute other land for the land exonerated. The land subject to the rent-charge must, in the opinion of the Commissioners, be equal to at least three times the annual value of the rent-charge (*p*).

The rent-charge is payable half-yearly on the days on which the extraordinary charge was payable. It has priority over all existing and future estates, interests, and incumbrances whatsoever. It is payable to the person who would (but for the Act) be entitled to receive the extraordinary charge. In default of payment, it can be recovered by action in the High Court or a County Court, in the same way as tithe rent-charge can be recovered and subject to the same conditions, or it can be recovered by entry upon, and perception of the rents and profits of, the land subject to such rent-charge. The rent-charge is not subject to any parochial, county, or other rate, charge, or assessment (*q*).

(*o*) S. 4, sub-s. 1.

(*p*) S. 4, sub-s. 2.

(*q*) S. 4, sub-ss. 3, 4, 5.

The rent-charge may be redeemed by the owner of, or any person interested in, the land charged, on payment of the capital value of the extraordinary charge.

- (a) Where the person entitled to the charge is the incumbent of a benefice, the money has to be paid to the Governors of Queen Anne's Bounty.
- (b) Where the person entitled to the charge is absolutely entitled thereto in fee simple in possession, or is empowered to dispose thereof absolutely, or to give an absolute discharge for it, one month's notice has to be given to such person, and the money may then be tendered to him.
- (c) In any other case the money may be paid into the Bank of England, to be placed to the account of the Paymaster-General, in the matter of land-owner and tithe-owner (naming them) and in the matter of the Act.

On proof of payment or tender as aforesaid being made to the Commissioners, they are to certify that the charge has been redeemed. Their certificate is final and conclusive (*r*).

(*r*) S. 5, sub-s. 5.

PENSIONS, OFFERINGS, AND FEES.

BESIDES the glebe and tithes, there are various other sources from which the income of ecclesiastical persons may arise.

The chief of these are pensions, offerings, and fees.

Pensions are sums of money paid to clergymen in lieu of tithes. Such payments may either be due by virtue of some decree by an Ecclesiastical Judge in some dispute relating to tithes, in which the tithes have been decreed to be due to one, and a pension instead thereof to be paid to another; or they may have arisen by virtue of a deed made by consent of the parson, patron, or ordinary (*s*).

Pensions—
how they
arise.

Offerings, oblations, and obventions are identical terms. As existing at the present day, offerings may be divided into mortuaries or offerings at the burial of the dead, and offerings at the four great feasts (*t*).

Offerings,
oblations,
obventions.

Mortuaries or corse-presents are dues given by the special custom of certain places on the death of a person residing in the parish. By the 21 Hen. VIII. c. 6, s. 3, "No person is to pay mortuaries in more places than one, that is to say, in the place of their most dwelling and habitation, and then but one mortuary."

Mortuaries.

(*s*) Phillimore's Ecclesiastical Law, 2nd ed. p. 1238.

(*t*) The four offering days are Christmas, Easter, Whitsuntide, and the feast of the dedication of the parish church.

Mortuaries
can be sued
for in spiritual
Courts;
cannot be re-
covered before
justices.

Mortuaries can be sued for in the spiritual Courts. It appears to be a moot point whether they can be recovered at Law or in Equity (*u*). They are not within the 7 & 8 Will. III. c. 6, s. 2, by which small tithes and offerings are to be recovered before justices (*x*).

Easter
offerings.

Easter offerings are directed by the rubric (*y*), and are due, not by custom only, but by common right, at the rate of 2*d.* per head for every member of each householder's family of sixteen years and upwards (*z*), but by custom the amount may be larger (*a*).

Other
offerings.

Offerings may also be due at the other three feasts, Christmas, Whitsuntide, and the feast of the dedication of the church (*b*).

Surplice fees.

Surplice fees are the fees payable to the minister for performing certain offices of the church for the benefit of

(*u*) *Manby v. Curtis*, 2 Price, 284; 3 E. & Y. 733.

(*x*) *Ayrton v. Abbott*, 14 Q. B. 1. Where a person dies not worth more than 10 marks (a mark is 13*s.* 4*d.*) in movable goods, no mortuary is payable; from 10 marks to 30*l.*, 3*s.* 4*d.*; from 30*l.* to 40*l.*, 6*s.* 8*d.*; exceeding 40*l.*, 10*s.* No more than 10*s.* can be taken as a mortuary: 21 Hen. VIII. c. 6, ss. 2, 3.

(*y*) "Yearly at Easter, every parishioner shall reckon with the parson, vicar, or curate, or his or their deputy or deputies, and pay to them or him all ecclesiastical duties, accustomedly due, then and at that time to be paid."—*Rubric at the end of the Communion Office.*

(*z*) *Lawrence v. Jones*, Bunb. 173; 2 Sw. 662; 1 E. & Y. 801, 818; *Carthew v. Edwards*, Amb. 72; Gw. 826; 2 E. & Y. 818. See also *The Queen v. Hall*, L. R. 1 Q. B. 632.

(*a*) Burn's Ecclesiastical Law, 9th ed. vol. iii. p. 37, tit. "Offerings." For an instance of Easter offerings being due by custom, see *The Queen v. Hall*, L. R. 1 Q. B. 632.

(*b*) Phillimore's Ecclesiastical Law, 2nd ed. p. 1243.

individuals, such as fees on marriages, churchings, and burials.

The better opinion appears always to have been that no fee was due on baptism, but any doubts on the subject have been laid at rest by a recent Act, which makes it unlawful for any fee or reward to be demanded for the celebration of this Sacrament (*c*). No fee due on baptism.

The fee for marriage is to be the "accustomed duty to the priest or clerk" (*d*), and by an old provincial constitution (*e*) it is enacted that matrimony shall not be hindered "upon the account of any sum of money." The Court of Exchequer Chamber on appeal held that a marriage fee of 13s., of which 10s. was for the rector and 3s. for the clerk, was unreasonable on account of its large amount (*f*). Fee on marriage. 13s. held to be too large a fee.

Fees are not usually paid by parishioners on burial, although they may be due by special custom (*g*). They are payable, however, in the case of strangers, as it is the parishioners alone who have a legal claim to burial in the churchyard (*h*). There is no mention of the use of coffins in the funeral service of the Church of England, and funerals were anciently confined and unconfined. Lord Stowell, in the case of *Gilbert v. Buzzard* (*i*), came to the Burial fees—not usually paid by parishioners. Coffins.

(*c*) 35 & 36 Vict. c. 36.

(*d*) Rubric, Marriage Service.

(*e*) Constitution of Canterbury, A.D. 1222, Langton; Lindw. 278.

(*f*) *Bryant v. Foote*, L. R. 2 Q. B. 63; 3 Q. B. (Ex. Ch.) 497.

(*g*) *Topsal v. Ferrers*, Hob. 175.

(*h*) *Kemp v. Wickes*, 3 Phill. Rep. 264.

(*i*) 2 Hagg. Cons. 333.

conclusion “that it was recognized as not unjust, that where the deceased, by the use of his coffin, took a longer occupancy of the ground, he should compensate the parish by an increased payment” (*k*).

General fees.

Besides the fees due to the clergy for their spiritual ministrations, which come under the head of surplice fees, there are other fees payable to them for acts done or authorized by them in virtue of their office.

Fees on searches for baptisms, burials, marriages, &c.

The chief of these are for searches of the register books in their keeping of baptisms and burials (*l*), marriages (*m*), and making the duplicate register of marriage for the Superintendent Registrar (*n*).

(*k*) 2 Hagg. Cons. 347. In a recent case, *Williams v. Williams*, 20 Ch. D. 659, a testator directed his friend, a Miss Williams, by a codicil to his will, to burn his body after his death, and also directed his executors to pay Miss Williams the cost of so doing. The executors buried the body, and afterwards Miss Williams obtained an order for the removal of the body from the Secretary of State, on the representation that she intended to bury it in consecrated ground. She took the body to Italy, where it was cremated, and she then brought an action against the executors for the costs incurred in the cremation. Mr. Justice Kay decided that the executors had a right to the body, that their duty was to bury it, that the direction to burn the body could not be enforced, and that Miss Williams was not entitled to the costs of the cremation.

(*l*) 52 Geo. III. c. 146, s. 16.

(*m*) Searches for marriages are to be charged as follows:—“For every search extending over a period of not more than one year, the sum of 1s., and 6*d.* additional for every additional year, and the sum of 2s. 6*d.* for every single certificate”: 6 & 7 Will. IV. c. 86, s. 35.

(*n*) The payment for this is at the rate of 6*d.* per entry: 1 Vict. c. 22, s. 27.

It appears questionable whether the rector or vicar can claim fees for the erection of gravestones and monuments in churchyards, or tablets or vaults in a church (*o*). Monuments both inside the church (*p*) and in the churchyard and vaults require a faculty for their erection (*q*), and such faculty is usually only granted with the consent of the incumbent (*r*), although the Court has power to grant the faculty even if the rector dissent. The rule to be gathered from the case appears to be that the incumbent may prescribe his own reasonable terms for consenting to the application, or if an accustomed fee has been paid for his consent such fee may be claimed under the custom (*s*).

Fees on the erection of monuments, vaults, &c.

Small tithes or compositions for them, where the amount recoverable from one person does not exceed 10*l.*, and offerings can only be recovered by application to two or more justices (*t*).

Recovery of small tithes under 10*l.*, and offerings.

(*o*) Phillimore's Ecclesiastical Law, 2nd ed. p. 692.

(*p*) *Maidman v. Malpas*, 1 Consist. Rep. 208.

(*q*) It is questionable whether flat tombstones in the churchyard come under this rule. See remarks of Lord Stowell in *Maidman v. Malpas*, *supra*.

(*r*) *Maidman v. Malpas*, 1 Consist. Rep. 208.

(*s*) *Rich v. Bushnell*, 4 Hagg. 164.

(*t*) 7 & 8 Will. III. c. 6; 53 Geo. III. c. 127, s. 64; 5 & 6 Will. IV. c. 74. A special procedure is provided in the case of Quakers by these Acts. Mortuaries are not included in these Acts, and cannot be recovered before justices: *Ayrton v. Abbott*, 14 Q. B. 1.

PART III.

INTRODUCTION.

PROCEDURE GENERALLY :—

UNDER THE CHURCH DISCIPLINE ACT AND
CLERGY DISCIPLINE ACT, 1892.

UNDER THE PUBLIC WORSHIP REGULATION ACT.
ECCLESIASTICAL PUNISHMENTS.

APPENDIX :—

RULES OF THE COURT OF ARCHES.

RULES OF THE CHANCERY COURT OF YORK.

SECTIONS 2, 6, 14, 18, 22 & 25 OF THE CHURCH
DISCIPLINE ACT, 1840.

ECCLESIASTICAL FEES.

INTRODUCTION.

THE jurisdiction of the Ecclesiastical Courts has been considerably limited by recent Acts (*a*), which have deprived them of all power over testamentary and matrimonial causes (*b*). The jurisdiction of the Ecclesiastical Courts.

Proceedings in the Ecclesiastical Courts are of two sorts, civil and criminal. Civil suits are brought in respect of rights partly of a *civil* and partly of a *spiritual* character (*c*), and are limited to subjects connected with the moral principles or the legal establishment of the Church. Civil suits.

Ordinary instances of civil suits are suits for the perturbation of a pew or church seat, the subtraction of church rates, and the granting of faculties (*d*). Criminal suits are proceedings to punish and reclaim a sinful offender, by judicial admonition or an infliction of the severer censure of the Church. They include church Instances. Criminal suits.

(*a*) The Court of Probate Act, 1857 (20 & 21 Vict. c. 77), amended by 21 & 22 Vict. c. 95; and the Divorce and Matrimonial Causes Act, 1857 (20 & 21 Vict. c. 85).

(*b*) The jurisdiction over testamentary and matrimonial causes formerly exercised by the Ecclesiastical Courts is now vested in the Probate, Divorce, and Admiralty Division of the High Court of Justice.

(*c*) Report of Ecclesiastical Commissioners, February 15, 1832.

(*d*) See Coote's Ecclesiastical Practice, p. 260.

discipline (*e*) and the correction of all offences of a spiritual kind (*f*).

Criminal suits purport to be brought *pro salute animæ*, and are directed to the reformation of the offender's manners and excesses (*g*).

Criminal
jurisdiction
over the laity.

The criminal jurisdiction over the laity has been considerably limited by various statutes (*h*), but, although fallen into disuse, it still exists to correct gross instances of immorality, and offences against the sanctity of a parish church or churchyard; to enforce the keeping up of the church and churchyard and the decent performance of divine service; and to punish any interference with, or contempt of the power of, the ordinary (*i*).

Pleadings
governed by
Canon and
Statute Law.

The pleadings and principal steps in an action are governed by the Canon and Statute Law, and are the same in all the Courts having ecclesiastical jurisdiction.

(*e*) Actions against clerks in holy orders are specially provided for by the Church Discipline Act, as to which see *post*, chapter on that Act.

(*f*) Report of Ecclesiastical Commissioners, February 15, 1832.

(*g*) Coote's Ecclesiastical Practice, p. 104.

(*h*) The Ecclesiastical Courts formerly entertained suits for *defamation* in the case where the spiritual offence of incontinence was wrongfully imputed; but by 18 & 19 Vict. c. 41, the jurisdiction in the matter was abolished; and proceedings against *laymen* in the Ecclesiastical Courts for incontinency itself have, in modern times, been out of use. The jurisdiction for "brawling" against persons not in holy orders was taken away by 23 & 24 Vict. c. 32, s. 1, and a remedy given for indecent behaviour in places of public worship by way of summary conviction before two justices. The Act applies as well to persons in holy orders as to laymen: *Vallancey v. Fletcher*, [1897] 1 Q. B. 265.

(*i*) See Coote's Ecclesiastical Practice, p. 145.

But each Court has special rules and regulations of its own, regulating the proceedings before it, and limiting the time allowed for the various steps. The Rules of the Arches Court, as being by far the most important of all the Ecclesiastical Courts, are printed in full in a subsequent part of this work (*j*). In the case of *Phillimore v. Machon* (1 P. D. 481) it was decided that the Arches Court has no jurisdiction to entertain a suit by letters of request against a layman for falsely swearing before a surrogate to an affidavit to lead to the issue of a marriage licence.

Rules vary in each Court.

Rules of Court of Arches.

An important distinction between suits in the Ecclesiastical Courts and the Courts of Common Law and Equity is, that the original object of a suit may be changed, and assume, in the conclusion, an entirely different shape from that in which it was instituted. Thus under the old practice, a wife might have sued for a restitution of conjugal rights, and the defence of the husband might have been that she had been guilty of adultery, and, if he succeeded, the sentence would have been a divorce *à mensâ et thoro* against the wife (*k*).

Object of the suit may be changed.

Proceedings in the Ecclesiastical Courts may at the present time be divided into three classes—

Three classes of proceedings—

1. General proceedings, embracing both civil and criminal suits.

2. Proceedings under the Clergy Discipline Act, under Clergy

(*j*) See Appendix.

(*k*) Burn's Ecclesiastical Law, 9th ed. vol. iii. p. 183, tit. "Practice."

Discipline
Act;

1892 (*l*), and the Church Discipline Act (*m*).
All criminal proceedings against clerks in holy
orders come under these Acts.

under Public
Worship
Regulation
Act.

3. Proceedings under the Public Worship Regulation
Act, 1874 (*n*), for enforcing the due perform-
ance of divine service.

Each of these modes of procedure is dealt with separately
in the following pages.

(*l*) 55 & 56 Vict. c. 32.

(*m*) 3 & 4 Vict. c. 86.

(*n*) 37 & 38 Vict. c. 85.

PROCEDURE GENERALLY.

THE proceedings in civil and criminal suits are in the main the same. They have, however, some important differences which must be borne in mind, the chief of which are as follows:—

First. The criminal suits are open to any person, and may be commenced by a person whether he has any right to be protected or not, *e.g.*, by a dissenter (*o*), while civil suits can only be brought by a person showing some interest to be protected by the suit (*p*). In the case of *Kensit v. St. Ethelburga, Bishopsgate Within* (*q*), the plaintiff took a room in the parish, and procured his name to be placed on the rate-book for the parish solely for the purpose of enabling him to bring a civil suit. It was held that he had a sufficient interest to promote a cause of faculty for the removal from the parish church of unlawful ornaments. In criminal suits the “office of the judge” is promoted, that is, the proceedings are taken nominally in the name and under the sanction of some bishop (*r*). The bishop may refuse his sanction (*s*), but, if he give it, he

Proceedings civil and criminal suits the same in the main.

Differences between civil and criminal suits.

Criminal suits open to any person.

Civil suits only open to those who have a right to protect.

Office of judge promoted in criminal suits,

i.e., must be taken with sanction of bishop.

(*o*) *Martin v. Escott*, 2 Curt. 692; 4 Moo. P. C. 104; 1 Notes of Cases, 552. See also *Titchmarsh v. Chapman*, 3 Notes of Cases, 387.

(*p*) *Turner v. Meyers*, 1 Hagg. Cons. 415, n.; Phillimore's Ecclesiastical Law, 2nd ed. p. 956.

(*q*) [1900] P. 80. See also *Davey v. Hinde*, [1901] P. 95.

(*r*) Brice's Public Worship, p. 340.

(*s*) *Martin v. Mackonochie*, L. R. 2 Adm. & Eccl. 123.

Bishop has no control over proceedings, which do not abate by his death, &c. has no control over the proceedings (*t*). The suit does not abate by the death of the bishop or by his resignation of his see, but the title of the case in each case must be changed (*u*). Where the promoter dies, a proper person may be substituted in his place to carry on the suit (*x*).

Differences in pleadings. *Secondly.* The first plea in a civil suit is called the libel, while in criminal suits it is styled the articles. In civil suits the plaintiff can require personal answers on oath from the defendant, *i.e.*, require him to admit facts in his knowledge, whereas the defendant cannot be called upon to answer in a criminal suit.

Proceedings against a clergyman regulated by Church Discipline Act. *Thirdly.* When criminal proceedings are taken against a person in holy orders, the proceedings are taken under the Church Discipline Act, or the Clergy Discipline Act, 1892 (*y*).

Modes of commencing suits. Both kinds of suits may be commenced in three ways, *viz.*, by citation, by decree, and by monition. A fourth way, by act on petition, is practically only applicable to civil suits.

Citation. The most usual method is by citation, which is a writ or order issuing from the Court, commanding the parties therein mentioned to appear and submit themselves to the judgment of the Court, or to show cause why they should not do so (*z*).

(*t*) *Maidman v. Malpas*, 1 Hagg. Cons. 205, 208.

(*u*) *Bishop of Winchester v. Wix*, L. R. 3 Adm. & Eccl. 19, 22.

(*x*) *Elphinstone v. Purchas*, L. R. 3 P. C. 245.

(*y*) 3 & 4 Vict. c. 86. See *post*, chapter on those Acts.

(*z*) Brice's Public Worship, p. 327.

It must contain—

What it must contain.

1. The names of the judge, plaintiff, and defendant.
2. The commission of the judge, if he be a delegate ;
and if he be an ordinary judge, then the style of
the Court in which he is judge.
3. The residence and diocese of the defendant.
4. The cause of action and the interest of the
plaintiff (*a*).
5. The time and place of appearance (*b*).

A *monition* is also sometimes used for commencing proceedings. In such case the monition operates both as a citation and a monition—as a citation by ordering the party complained of to appear, and as a monition by ordering some act to be done (*d*). Monitions are frequently used where personal answers are required—for example, to churchwardens to hold a vestry, or to a clergyman to reside (*e*).

Monition—
examples of
cases in which
it is used.

In *Fagge v. Lee* (*f*) the Dean of Arches decided that a monition calling upon the churchwardens of a parish to remove certain alleged unlawful ornaments in the parish

(*a*) In a citation in a criminal suit it is not necessary to show the interest of the plaintiff.

(*b*) Phillimore's Ecclesiastical Law, 2nd ed. p. 982.

(*d*) *Fagge v. Lee*, L. R. 4 Adm. & Eccl. 135, 141.

(*e*) Phillimore's Ecclesiastical Law, 2nd ed. p. 1004.

(*f*) L. R. 6 P. C. 38 ; L. R. 4 Adm. & Eccl. 135 ; affirmed 30 L. T. (N. S.) 801 ; *Hopper v. Davis*, 1 Lee, 640 ; *Reg. v. Bishop of Chichester*, 2 E. & E. 209 ; 29 L. J. Q. B. 23. See also Brice's Public Worship, p. 326.

church, or to appear and show cause against such removal, must disclose on its face such an interest in the person at whose instance it issued as would have enabled him to institute and carry on a civil suit commenced in the ordinary way by citation, and must therefore contain an allegation that the party taking proceedings has the status of a parishioner in the parish (*f*).

Difference between a citation and monition.

The difference between a citation and a monition is that the former requires some person to appear, while the latter is for the performance of some act.

Act on petition.

The act on petition or act of Court is a process used for the adjudication of incidental subjects which arise during the progress of a suit, or after its determination, such as the taxation of costs between party and party; or on a preliminary matter, such as a question of domicile; or an appearance under protest (*g*).

Matters cannot be introduced in opposition to allegations of principal cause.

No matter can be introduced into the act on petition in opposition to an allegation in the principal cause (*i*).

Wrong description of party or judge in the citation.

The citation of a party by a wrong Christian name was held to be sufficient where there was no doubt as to the identity of the party (*k*), but a wrong description of the

(*f*) See note (*f*), *ante*, p. 129.

(*g*) Phillimore's Ecclesiastical Law, 2nd ed. p. 964.

(*i*) *Dysart v. Dysart*, 2 Notes of Cases, 16, 17, per Dr. Lushington.

(*k*) Phillimore's Ecclesiastical Law, 2nd ed. p. 964, and cases there cited.

judge either by his name or title, is fatal to the citation, and to all proceedings founded on it (*l*).

The execution of all writs has to be certified by a memorandum indorsed on the instrument, signed by the officer or person by whom service was effected. This certificate sets forth the day and place of service, and is verified by an affidavit, also indorsed on the writ (*m*).

Certificate of execution of writs.

The citation must be personally served, if possible. Where personal service cannot be effected, proof of that fact is made by affidavit, and the citation is returned into Court. A decree called a decree *viis et modis* then issues, which is served personally, if possible. If it cannot be served personally, it is served by being left at the house or last-known residence, or fastened on the church door, and by all *ways and means* likely to affect the party with the knowledge of its contents; the decree is then returned into Court with a certificate of the means which have been taken for service (*n*).

Service *viis et modis*.

A personal service may conclude both the party and the Court, but a service *viis et modis* is a constructive service, and concludes the party, but does not conclude the Court; and the Court on good and sufficient grounds may open proceedings to get at the substantial justice of the case (*o*).

Difference between personal service and service *viis et modis*.

(*l*) Phillimore's Ecclesiastical Law, 2nd ed. p. 984, and cases there cited.

(*m*) Coote's Ecclesiastical Practice, p. 153.

(*n*) Phillimore's Ecclesiastical Law, 2nd ed. p. 984.

(*o*) *In the Goods of Thomas Robinson*, 3 Phill. 511.

Appearance
under protest.

If the party cited disputes the jurisdiction of the Court, he should appear under protest. The preliminary objection is heard upon act on petition. If successful, the protest is allowed, and defendant is dismissed; if unsuccessful, he is ordered to appear absolutely. Costs are in such cases usually given against the unsuccessful party.

Pleas.

The pleadings vary according to the description of the cause. In civil proceedings the first plea is called the "libel," while in a criminal suit it is called the "articles" (*p*).

The libel.

The libel is a declaration or charge drawn up in writing on the part of the plaintiff which the defendant is obliged to answer (*q*). It, in fact, corresponds with the statement of claim in the Common Law or Chancery Divisions (*r*).

Articles.

The articles are so called because they run in the name of the judge who articles and objects to the acts complained of. The articles cannot go beyond the citation, nor can the Court go beyond the particular

Effect of error
in copy of
articles.

offence charged (*s*). The promoter is bound to give a *correct copy* of the articles to the defendant, and an error in this copy is as fatal to the suit as an error in the

(*p*) The times within which the various steps in the cause must be taken are regulated by the Rules of the particular Court. As to the various times in the Court of Arches, see the Rules of that Court, printed in the Appendix.

(*q*) Phillimore's Ecclesiastical Law, 2nd ed. p. 990.

(*r*) In testamentary causes this first plea was called an allegation: Burn's Ecclesiastical Law, 9th ed. vol. iii. p. 188, tit. "Practice."

(*s*) Phillimore's Ecclesiastical Law, 2nd ed. p. 993.

original (*t*). As a general rule, articles must be brought in on the court-day immediately subsequent to that on which the defendant has appeared (*u*). When brought in.

In criminal suits the whole transaction complained of should be fairly and candidly stated at the commencement of the proceedings, in order that the judge may have an opportunity of considering whether it is one which he ought to allow, and the defendant may be enabled to give an affirmative issue, *i.e.*, admit the facts to be true (*x*). If the articles contain a substantive charge, the Court is bound to admit them, and cannot listen to a suggestion that they do not truly detail the circumstances (*y*). Whole transaction should be fairly stated at commencement of criminal suits.
Where Court bound to admit them.

Before a plea of any kind, whether articles, libel, or allegation, is admitted, the adverse party may object to its admission, either in the whole or in part—in the whole, on the ground that the facts, if taken to be true, will not entitle the party setting up the plea to the demand claimed or defence set up; in part, if any of the facts pleaded are irrelevant to the matter in issue, or could not be proved by admissible evidence, or are incapable of proof. Either party has, in fact, the same right Parties may object to pleadings before they are admitted—in the whole, or in part.

(*t*) *Williams v. Bott*, 1 Consist. 1; and *Thorpe v. Mansell*, cited in note.

(*u*) Phillimore's Ecclesiastical Law, 2nd ed. p. 992.

(*x*) *Lee v. Mathews*, 3 Hagg. Eccl. 169; *Schultes v. Hodgson*, 2 Add. 416.

(*y*) Burn's Ecclesiastical Law, 9th ed. vol. iii. p. 284, tit. "Practice."

to object to the other's pleading as he formerly had to demur in the Common Law or Chancery Divisions.

The justice of a previous conviction will not be enquired into.

Where the articles allege against the clerk a conviction for some misconduct before some competent Court, the clerk cannot by his plea deny the offence for which he was convicted, and demand that the Ecclesiastical Court shall inquire into the whole facts *de novo*. The Court has jurisdiction over the clerk on account of the scandal caused by the conviction for purposes of suspension and deprivation, and will not retry the case to consider whether the conviction was right or not (z).

Objections are argued before the judge.

The objections are made and argued before the judge, and when decided by him may be appealed against. For the purpose of the argument all facts capable of proof are assumed to be true (a). The Court will sometimes admit part of a pleading and reject part, or order the whole or part to be amended. The admission of a libel is sometimes delayed by the Court, in order to allow the party charged an opportunity of stating any special matter, in the way of protest, to induce the Court to decline further proceedings in the case (b).

Sometimes part only of a pleading is admitted. Delay to admit libel.

Principle *qui ponit fatetur*.

As a general rule the party setting up a plea is bound by it, the principle *qui ponit fatetur* being strictly adhered to (c).

(z) *Borough v. Collins*, 15 P. D. 81. See hereon sects. 1 and 2 of the Clergy Discipline Act, 1892, printed in the Appendix. This case arose before the Act.

(a) Burn's Ecclesiastical Law, 9th ed. vol. iii. p. 188, tit. "Practice."

(b) *Ibid.* p. 264, *ibid.*

(c) *Ibid.*

After the libel is brought in, a day is named for the delivery of the defendant's answer, the giving of which creates the *litis contestatio*, answering to the issue at Common Law. This issue may be either—(1) *simple affirmative*, admitting the facts as stated by the plaintiff, in which case the suit is at an end; (2) *simple negative*, consisting of a general denial of the libel; or (3) *qualified affirmative or negative*, in which the defendant does not directly admit or deny the facts, but states them in his own way (*d*).

Litis contestatio—
different kinds of.

The *litis contestatio* only arises in civil suits, as in criminal suits the defendant cannot be called upon for an answer (*e*). The plaintiff in civil suits, but not in criminal suits, is entitled to what are termed *personal answers*; these are answers in writing and on oath by the defendant to the several articles or *positions* of the libel. The object of the personal answers is to relieve the plaintiff from the necessity of proving facts which are known to be true by the other party.

The *litis contestatio* only arises in civil suits.
Personal answers—

Three qualities are essential to an answer. It must be—(1) pertinent to the matter in hand; (2) absolute and unconditional; (3) clear and certain (*f*). If wanting in any of these requisites, it will be treated as no answer.

object.

Three qualities essential to answer.

In answering, a party may limit himself to facts, and Answer

(*d*) Burn's Ecclesiastical Law, 9th ed. vol. iii. p. 189, tit. "Practice."

(*e*) *Ibid.*

(*f*) *Ibid.* p. 299, *ibid.*

limited to facts.

Party need not criminate himself,

need not give his own motives, or his belief in the motives of another person, or answer anything which leads to criminate him, or, it appears, even to degrade him.

nor confine himself to merely answering the plea.

The defendant, in answering, need not confine himself to merely answering the plea, but may enter into all such matters as may *fairly* be deemed necessary to place the whole transaction in the true and proper light (*g*).

Require a personal service.

The notice, or decree, for personal answers should be personally served, as service on the solicitor or proctor of the defendant is not sufficient to place the defendant in contempt if the answers be not brought into Court. It is a maxim, in fact, of the Ecclesiastical Courts, that whatever is to be done *personally* requires a personal service on the party by whom the act is to be done (*h*).

The hearing.

Causes are heard publicly in open Court, and the evidence is taken *vivá voce* at the trial (*i*). Counsel are heard on both sides.

Witnesses—attendance of.

The attendance of witnesses can be enforced by a process called a “compulsory.” If the witness disobeys the order, he is in contempt, and may be punished for such contempt (*k*).

Judgment—

The sentence or judgment must be in writing,

(*g*) Burn’s Ecclesiastical Law, 9th ed. vol. iii. p. 299.

(*h*) *Durant v. Durant*, 1 Add. 114, 118; Burn’s Ecclesiastical Law, 9th ed. vol. iii. pp. 299—302, tit. “Practice.”

(*i*) 14 & 15 Vict. c. 99, s. 2.

(*k*) Coote’s Ecclesiastical Practice, pp. 780, 781, for which see form of “compulsory.”

and pronounced in the presence of both parties. Sentence given in the absence of one of the parties is void (*l*).

Sentences are either definitive or interlocutory. A definitive; definitive sentence puts an end to the principal matter in question in the suit. An interlocutory sentence deter- interlocutory. mines some incidental proceeding, but does not put an end to the principal matter in controversy (*m*).

Costs are in the discretion of the judge, and the Costs. reasons for granting or refusing them are publicly expressed at the time of giving judgment (*n*).

Appeals are either judicial or extra-judicial. The Appeals—judicial; judicial appeal is made from the sentence of the judge. The extra-judicial appeal is from some grievance which extra-judicial. the party suffers, *e.g.*, from the judge deferring to pronounce sentence, or rejecting material evidence (*o*). Appeals must be instituted within fifteen days, and Time limited for appeal. prosecuted within a year and a day from the delivery of the sentence (*p*). The ultimate appeal is to the Judicial Appeal to Privy Council. Committee of the Privy Council (*q*). The Judicial Com- mittee is assisted in ecclesiastical cases by assessors. The Assessors.

(*l*) *Gibs.* 1047. That is, by the Canon Law, must be reduced to writing, and then pronounced in the presence of the parties by the judge, standing. See also *Burn's Ecclesiastical Law*, 9th ed. vol. iii. p. 207, tit. "Practice."

(*m*) *Burn's Ecclesiastical Law*, 9th ed. vol. iii. p. 207, tit. "Practice."

(*n*) *Phillimore's Ecclesiastical Law*, 2nd ed. p. 995.

(*o*) *Burn's Ecclesiastical Law*, 9th ed. vol. iii. p. 217, tit. "Practice."

(*p*) *Ibid.*

(*q*) 2 & 3 Will. IV. c. 92, and 3 & 4 Will. IV. c. 41.

two archbishops are *ex officio* assessors, and the other assessors are the bishops, who attend according to a rota (*r*).

(*r*) See Judicature Act, 1873 (36 & 37 Vict. c. 66), s. 21, repealed by Appellate Jurisdiction Act, 1876 (39 & 40 Vict. c. 59), s. 24, and Order in Council under Appellate Jurisdiction Act, 1876, Nov. 28, 1876.

PROCEDURE UNDER THE CHURCH DISCIPLINE ACT
(3 & 4 VICT. c. 86), AND THE CLERGY DISCIPLINE
ACT, 1892 (55 & 56 VICT. c. 32).

ALL criminal proceedings against clerks in holy orders were prior to the 27th Sept., 1892 (*s*) regulated by the Church Discipline Act (*t*). Under that Act in any case where a clerk in holy orders is charged with any offence against the laws ecclesiastical, or scandal or evil report exists concerning him, the bishop of the diocese within which the offence is alleged to have been committed may issue a commission to make an inquiry as to the grounds of such charge or report, and may do this on the application of any party complaining, or on his own motion. This power is discretionary, and it is not obligatory upon the bishop to proceed when a complaint is made against a clerk in his diocese (*u*).

Criminal proceedings against clerks in holy orders. In case of charge or scandal against a clerk, bishop may issue commission to inquire into charge,

The commissioners must be five in number (*v*). A fourteen days' notice of the bishop's intention to issue the commission must be given to the accused. The notice must contain an intimation of the nature of the offence,

(*s*) The commencement of the Clergy Discipline Act, 1892. See sect. 14, sub-sect. 2 of that Act.

(*t*) 3 & 4 Vict. c. 86; see sub-sects. 1, 23.

(*u*) *Reg. v. Bishop of Oxford*, 4 L. T. (N. S.) 122; *Julius v. The Bishop of Oxford*, 5 App. Cas. 214.

(*v*) 3 & 4 Vict. c. 86, s. 3.

together with the names, addition, and residence of the party on whose application or motion the commission is about to issue (*w*).

or send the matter to the Court of Appeal by letters of request.

Instead of issuing such commission, the bishop may, if he think fit, at once send the case by letters of request (*x*) to be tried in the Court of Appeal of the province (*y*).

Commissioners report to the bishop.

On the close of the inquiry the commissioners, or any three of them, transmit to the bishop, under their hands and seals, the depositions of witnesses taken before them, and also a report of the opinion of the majority that there is, or is not, sufficient *prima facie* ground for instituting proceedings against the party accused (*z*).

Different modes of trial—

If the commissioners report that there is sufficient *prima facie* ground for instituting proceedings against the party accused, he may be tried in three different ways:—

by consent :

1. With the consent in writing, of both parties, the bishop may pronounce a sentence at once. No further proceedings are in such case necessary, but the sentence must not exceed the sentence which might be pronounced in due course of law (*a*).

(*w*) 3 & 4 Vict. c. 86, s. 3.

(*x*) As to letters of request, see *ante*, p. 13.

(*y*) 3 & 4 Vict. c. 86, s. 13.

(*z*) 3 & 4 Vict. c. 86, s. 5.

(*a*) 3 & 4 Vict. c. 86, s. 6. The bishop may impose conditions in addition to the main sentence, *e.g.*, that a clerk charged with adultery should be suspended for three years, and that the suspension should not be taken off unless at the expiration of the three years, he should procure a certificate, signed by three beneficed clergymen, of his good behaviour and morals during his suspen-

2. The accused may be tried before the bishop, sitting with three assessors. by the bishop and assessors.

3. The bishop may send the case to be tried by the Court of Appeal of the province. Trial by Court of Appeal.

All proceedings under the Church Discipline Act must be commenced within two years after the commission of the offence charged, unless a conviction for the offence has been obtained in any Court of Common Law. Where a conviction has been so obtained, proceedings may be brought within six calendar months after such conviction (*b*).

Limitation of proceedings under Church Discipline Act.
Where a criminal conviction has been obtained.

In *Noble v. Ohier* (*c*) Lord Penzance held that the Chancery Court of York had jurisdiction to hear a suit against a clergyman beneficed in the province of York in respect of offences alleged to have been committed by him without the limits of that province. In the same case Lord Penzance, notwithstanding the protest of the defendant, heard the parties at Westminster, and subsequently gave his decision at York (*d*).

Place of hearing.

Appeals lie from the decision of the bishop to the Court of Appeal of the province, and from the Court of Appeal

Appeals.

sion; and that such certificate should be approved by the bishop: *Ex parte Rose*, 18 Q. B. 751; 21 L. J. Q. B. 334. See also *Bishop of London v. Day*, 1 Rob. Eccl. 724; *Morris v. Ogden*, L. R. 4 C. P. 687.

(*b*) 3 & 4 Vict. c. 86, s. 20.

(*c*) 11 P. D. 158.

(*d*) See also Rules of the Chancery Court of York of May, 1886, printed in the Appendix.

of the province to the Privy Council, in the same way as actions under the general procedure (*e*). The Court of Appeal can require security to be given for the costs of the Appeal (*f*).

Where bishop is patron of the benefice.

Where the bishop is the patron of any preferment held by a party accused, the archbishop of the province acts in his stead (*g*).

The Church Discipline Act was found in practice to be difficult of application, and it is now practically superseded by the Clergy Discipline Act, 1892 (*h*). The provisions of the latter Act, &c., are so important that I have thought it better to set out the chief provisions of the Act in full.

Effect of conviction of clergyman for treason, felony, or grave misdemeanors, or for certain other offences.

1.—(1) If either—

- (a) A clergyman is convicted of treason or felony, or is convicted on indictment of a misdemeanor, and on any such conviction is sentenced to imprisonment with hard labour or any greater punishment, or
- (b) An order under the Acts relating to bastardy is made on a clergyman, or

(*e*) 3 & 4 Vict. c. 86, s. 15.

(*f*) *O'Malley v. The Bishop of Norwich* (1892), G. 175.

(*g*) 3 & 4 Vict. c. 86, s. 24. Where a living is vacant on account of a suspension of a clerk under the Church Discipline Act, and the proceeds of the living have been sequestrated, the income of the living belongs to the bishop as chief pastor of the church, subject to the duty of providing for the services: *In re Takelam Sequestration Moneys*, 12 Eq. 494.

(*h*) 55 & 56 Vict. c. 32.

- (c) A clergyman is found in a divorce or matrimonial cause to have committed adultery, or
- (d) An order for judicial separation is made against a clergyman in a divorce or matrimonial cause, or
- (e) A separation order is made against a clergyman under the Matrimonial Causes Act, 1878;

41 & 42 Vict.
c. 19.

then, after the date at which the conviction, order, or finding becomes conclusive, the preferment (if any) held by him shall, within twenty-one days, without further trial be declared by the bishop to be vacant as from the said date, and he shall be incapable, save as in this Act mentioned, of holding preferment.

(2) Provided that if when so convicted he receives a free pardon from the Crown his incapacity shall cease, and if he receives the pardon before the institution of another clergyman to such preferment the bishop shall, within twenty-one days after receiving notice in writing of such pardon, again institute him and cause him to be inducted into the preferment, and no fee shall be payable to any person whomsoever in respect thereof.

(3) If any act required under this section to be done by a bishop is not done within the said twenty-one days it shall be done by or under the authority of the archbishop of the province.

2. If a clergyman either is convicted by a temporal Court of having committed an act constituting an ecclesiastical offence, and the foregoing section does not apply to him, or is alleged to have been guilty of any immoral

Complaint
against
clergyman for
immorality.

act, immoral conduct, or immoral habit, or of any offence against the laws ecclesiastical, being an offence against morality (*h*) and not being a question of doctrine or ritual, he may be prosecuted by any of the parishioners of the parish in which such clergyman holds preferment, or by the bishop of the diocese, or by any person approved by the bishop, and tried in the Consistory Court of the diocese in which he holds preferment, and may be so prosecuted and tried in accordance with the prescribed procedure, subject as follows:—

- (a) If the complaint made against the clergyman appears to the bishop of the diocese to be too vague or frivolous to justify proceedings he shall disallow the prosecution:
- (b) The prosecutor may at any stage of the proceedings be ordered to give security for costs, unless the offence alleged in the prosecution is one of which the clergyman has been convicted by a temporal Court:
- (c) If any question of fact (other than the fact of the conviction of a temporal Court) has to be determined, and either party to a case so requires, five assessors shall be chosen in the prescribed manner, and shall, for deciding a question of fact, be members of the Court; and the decision of such question must either

(*h*) In the case of *Lee v. Flack*, [1896] P. 138, making a false declaration against simony was held to be an offence against morality within the meaning of this section.

be the unanimous decision of the assessors, or that of the chancellor and at least a majority of the assessors :

- (d) If no such decision is arrived at, the case shall, if either party so desires, be retried as soon as possible, with assessors chosen as before, save that no assessors who acted at the former trial shall act as assessors on the retrial :
- (e) The chancellor on any trial shall preside, and shall alone determine any question of law, and also any question of costs, and whether the question is one of law or of fact shall be deemed to be a question of law.

In the case of the *Bishop of Rochester v. Harris* (*i*) the complainant charged the defendant with seven charges. The first four of such charges were charges of specific instances of intoxication on specified days whilst officiating at services, and in consequence conducting himself in an irreverent and improper manner. The fifth charge charged the defendant with similar acts of drunkenness and irreverent and improper conduct on occasions the precise dates of which the prosecutor was unable to specify. All such acts were stated to have taken place within the five years limited by the Act (*j*). The sixth charge was one of habitually indulging to excess in intoxicating liquors, and being in a state of drunkenness. The seventh charge was in the following words : “Occasioning grave scandal and offence in the parish of Stoke

(*i*) [1893] P. 137.

(*j*) See sect. 5.

by the scandalous conduct in the several preceding charges set forth.”

The chancellor of the diocese of Rochester (*k*) allowed the fifth and sixth charges, but ordered charge number seven to be struck out on the ground that it contained a charge which could not be legally held under the Clergy Discipline Act, 1892.

Election of
and mode of
choosing
assessors.

3.—(1) The assessors shall be chosen in the prescribed manner from the list of assessors who shall be elected as soon as possible after the commencement of this Act, and every three years afterwards, as follows (that is to say):—

(a) Three shall be elected from their own number by the members of the cathedral church of the diocese;

(b) Four shall be elected from their own number by the beneficed clergy of each archdeaconry in the diocese; and

(c) Five shall be elected from the justices of the county by the court of quarter sessions of each county wholly in the diocese, and of such of the counties partly in the diocese as may be prescribed.

(2) Provided that—

(a) The consent of an assessor to serve shall be obtained before he is elected; and

(b) If an assessor ceases to be one of the body from whom he is elected, or resigns, or dies, or

(*k*) Lewis T. Dibden, K.C.

becomes incapable of action, the chancellor may declare a vacancy, and thereupon the vacancy may be filled by another election.

(3) When the presence of assessors is required, three clergymen and two laymen shall be chosen out of the assessors on the said list by ballot conducted by the registrar in the presence of such (if any) of the parties as desire to be present by themselves or their representatives.

(4) The assessors chosen shall be bound to attend when required, and if anyone fails so to attend without a reasonable excuse satisfactory to the chancellor he shall be disqualified for acting or being elected again as assessor, and the chancellor shall declare a vacancy, and the vacancy shall be filled by a new election.

(5) If any assessor is objected to by either party for reasons approved by the chancellor, he shall be discharged from serving.

(6) If by reason of any objection or of non-attendance or otherwise the requisite number of assessors is not obtained before the trial, the chancellor shall, if there is time, cause a clergyman or layman, as the case may require, to be chosen from the list of assessors by another ballot, but, if there is not time, shall appoint some clergyman or layman, as the case may require, who is willing to serve, and is not objected to by either party for cause shown and deemed sufficient by the chancellor, to make up the full number of five assessors.

4.—(1) Either party to a case may appeal against any Appeals on

question of
law or fact.

judgment of a consistory court under this Act in respect of any matter of law.

(2) If a defendant desires to appeal against any judgment of a consistory court under this Act in respect of the facts, he may petition for leave to appeal, and if he satisfies the appellate court that there is a *prima facie* case leave shall be given, and he may appeal.

(3) An appeal against any interlocutory judgment under this Act, not having the force or effect of a definitive sentence upon the merits of the case, shall not be allowed except by leave of the court.

(4) An appeal or petition under this section shall be within the prescribed time and in accordance with the prescribed rules, and may (at the option of the appellant or petitioner) be to the provincial court or to Her Majesty the Queen in Council, but if to the provincial court the decision of that court shall be final.

(5) If there is an appeal, the sentence shall be suspended until the appeal is determined or abandoned, and for the purpose of any inhibition be deemed not to have been given.

Limitation of
prosecutions
and conclusiveness of
conviction, &c.

5.—(1) A complaint under this Act for an offence shall not be made after five years from the date of the offence, or of the last of a series of acts alleged as part of the offence, except that complaint may be made within two years after a conviction by a temporal court becomes conclusive.

(2) A conviction, order, or finding shall become conclusive for the purposes of this Act—

(a) where there has been any appeal (whether by

case reserved, special case, motion for new trial, writ of error, appeal, or otherwise), upon the date at which the appeal is dismissed or abandoned, or the proceedings on appeal are finally concluded; and

- (b) if there has been no such appeal, upon the expiration of the time limited for such appeal, or where no time is so limited of two months from the date of the conviction, order, or finding;

but, if varied on appeal, shall be conclusive only as so varied, and so far as it is reversed on appeal shall cease to be of any effect.

(3) After the conviction of a clergyman by a temporal court of committing an act becomes conclusive, a certificate of such conviction shall be conclusive proof in an ecclesiastical court that he has committed the act therein specified, except in the case of a summary conviction, against which there is no right of appeal.

(4) In the event of any such conviction, order, or finding, by or before a temporal court, as makes the preferment of a clergyman subject to be declared vacant, or renders a clergyman liable to prosecution under this Act, the court shall cause the prescribed certificate of the conviction, order, or finding, to be sent to the bishop of the diocese in which the court sits, and such certificate shall be preserved in the registry of that diocese, or of any other diocese to which it may be sent by direction of the bishop.

Sentences and
incapacity for
preferment.

6.—(1) When a clergyman is, under this Act, adjudged guilty—

- (a) regard shall be had in considering the sentence to the interests of the ecclesiastical parish or place concerned, and not to precedents of punishments; and
- (b) he may be sentenced in every case to deprivation, and if so sentenced shall be incapable, save as in this Act mentioned, of holding preferment; and
- (c) if he is sentenced to suspension for a term, he shall not, during that term, exercise or perform without leave of the court any right or duty of or incidental or attached to his preferment, nor reside in or within such distance from the house of residence of that preferment as is specified in the sentence, and shall not, at the end of the term, be re-admitted until he has satisfied the court of his good conduct during the term.

(2) Where by virtue of anything in or done under this Act a clergyman becomes incapable of holding preferment, his incapacity—

- (a) shall cease if he receives a free pardon from the Crown; and
- (b) shall not extend to any preferment which the bishop of the diocese and archbishop of the province in which it is situate, after such

public notice, if any, as they think desirable, allow him to hold.

(3) Where by virtue of anything in or done under this Act the preferment of a clergyman is vacant, the time for lapse shall run from the date at which the prescribed notice of the vacancy is given.

7. If a clergyman wilfully disobeys a sentence passed under this Act, or any requirement or direction contained in such sentence, he may be cited before the consistory court, and if, after the prescribed proceedings for enabling him to show cause to the contrary, the chancellor is satisfied that the clergyman has been so wilfully disobedient and ought to be punished for it, the chancellor may pronounce judgment against him, which shall be subject to the like appeal as if pronounced on a trial under this Act, and sentence him to such ecclesiastical punishment as the gravity of the case appears to require, including a sentence of deprivation; and where any sentence is so passed, the writ *de contumace capiendo* shall not be issued.

Proceedings in case of disobedience to sentence.

8. Where by virtue of this Act, or of any sentence passed in pursuance of this Act, the preferment of a clergyman becomes vacant, and it appears to the bishop of the diocese that such clergyman ought also to be deposed from holy orders, the bishop may, by sentence and without any further formality, depose him, and the sentence of deposition shall be recorded in the registry of the diocese: Provided always, that such clergyman may appeal against the said sentence within one month from

Power to bishop to depose from holy orders a clergyman whose preferment is vacated under Act.

the date thereof to the archbishop of the province, whose decision shall be final (*l*).

9. Sect. 9 of the Clergy Discipline Act contains powers to make rules.

Supple-
mental.
3 & 4 Vict.
c. 86.

10.—(1) Sections two, six, fourteen, eighteen, twenty-two, and twenty-five of the Church Discipline Act, 1840 (which sections are set out in the schedule of this Act), shall apply as if they were herein re-enacted and in terms made applicable to proceedings under this Act, and with the substitution of the chancellor for the assessor of the bishop, and section fourteen of that Act shall apply where a clergyman is accused before a temporal court of any criminal offence, or of any act constituting an ecclesiastical offence, in like manner as it applies where a charge for the like offence is pending in an ecclesiastical court. (These sections will be found printed in the Appendix.)

(2) The consistory court means the court having the powers and duties of a consistory court of a diocese; and shall have jurisdiction over every place, district, and preferment, exempt or peculiar, over which the bishop of the diocese has, by virtue of this Act or otherwise, jurisdiction.

(3) A bishop may act as bishop for the purposes of

(*l*) The sentence of deposition need not be delivered concurrently with that of deprivation: *Reg. v. Durham, Bishop of*, [1897] 2 Q. B. 414.

this Act in relation to a clergyman holding in his diocese a preferment of which the bishop is patron.

(4) The judgment of a consistory court or (on appeal) of the appellate court that a clergyman has been guilty of an immoral act, immoral conduct, or immoral habit, or of any offence against the laws ecclesiastical, being an offence against morality and not a question of doctrine or ritual, shall be conclusive that the offence charged is cognizable by a consistory court under this Act.

(5) The bishop may appoint as a deputy chancellor a barrister of not less than seven years' standing, or the holder of a judicial appointment.

12. In this Act, unless the context otherwise requires,— Definitions.

The expression "clergyman" means a clergyman not being a bishop of a diocese, who is in holy orders in the Church of England, or who, though ordained by a bishop of another church, is permitted to officiate as a priest or deacon of the Church of England : "Clergyman."

The expression "chancellor" means the judge of the consistory court by whatever name known : "Chancellor."

The expression "provincial court" means as respects the province of Canterbury the Arches Court of Canterbury, and as respects the province of York the Chancery Court of York : "Provincial court."

The expression "county" includes a riding or division having a separate court of quarter sessions : "County."

The expression "member of a cathedral church" means any dean, residentiary canon, non- "Member of a cathedral church."

residentiary canon, prebendary, or honorary canon of that church :

“ Arch-deaconry.” The expression “ archdeaconry ” includes the Isle of Ely :

“ Judicial appointment.” The expression “ judicial appointment ” includes a chairmanship of quarter sessions and a police or stipendiary magistrateship :

“ Judgment.” The expression “ judgment ” includes decree and order :

“ Pre-scribed.” The expression “ prescribed ” means prescribed by rules made in pursuance of this Act :

“ Church Discipline Act.” The expression “ Church Discipline Act, 1840,” means the Act 3 & 4 Vict. c. 86, of Her present Majesty, chapter eighty-six, intituled “ An Act for better enforcing Church discipline ” :

“ Immoral act,” “ immoral conduct,” and “ immoral habit.” The expressions “ immoral act,” “ immoral conduct,” and “ immoral habit ” shall include such acts, conduct, and habits as are proscribed by the seventy-fifth and one hundred and ninth canons issued by the Convocation of the Province of Canterbury in the year one thousand six hundred and three.

Exclusion of question of doctrine or ritual, and savings.

13.—(1) Nothing in this Act shall

- (a) render a clergyman liable to be tried or sentenced under this Act in respect of any question of doctrine or ritual ; or
- (b) affect any prerogative of Her Majesty the Queen as respects pardon or otherwise ; or

(e) affect the liability of a clergyman to any prosecution, action, or proceeding, in any court other than an ecclesiastical court, but if he can be prosecuted under this Act for an offence, any other criminal proceeding against him for that offence shall not be instituted in an ecclesiastical court.

(2) This Act shall apply only to a clergyman who either holds preferment within the meaning of this Act, or resides or has committed the offence in England or Wales; and where a clergyman holds a licence from a bishop in England or Wales, this Act shall apply to that clergyman, notwithstanding that he resides elsewhere, as if he held preferment in the diocese of that bishop.

(3) The Church Discipline Act, 1840, shall, except so far as the sections in the schedule to this Act are applied by this Act, be repealed as respects any proceeding instituted after the commencement of this Act against a clergyman for an offence for which he can be prosecuted or his benefice declared vacant under this Act.

Short title,
commence-
ment of Act,
and repeal.

PROCEDURE UNDER THE PUBLIC WORSHIP
REGULATION ACT.

Scope and
object of
Public Wor-
ship Regula-
tion Act.

THE Public Worship Regulation Act does not *directly* interfere with the complainant's right to adopt the general procedure of the Ecclesiastical Courts to remedy any matter he complains of, nor does it add to the number of ecclesiastical offences. It simply creates a new way of investigating certain offences and malfeasances, and does not interfere with the suitor's right to adopt the general procedure if he prefer it (*m*).

Six cases to
which Act
applies—
unlawful
alterations :

The Act applies to the six following cases :—

1. Unlawfully altering, or adding to, the fabric, ornaments (*n*), or furniture of the church.

unlawful
ornamenta-
tion ;

2. Introducing into the church ornaments forbidden by law (*o*).

The following acts must be done within twelve months of the commencement of the proceedings, and must take place in the church or burial-ground :—

3. The use, by the minister of the church, of any unlawful ornaments.

(*m*) 37 & 38 Vict. c. 85, s. 5 ; and see Brice's Public Worship, p. 382.

(*n*) As to whether a reredos is an unlawful ornament, see *Phillpotts v. Boyd*, 4 A. & E. 297 ; 6 P. C. 435.

(*o*) 37 & 38 Vict. c. 85, s. 8, sub-s. 1.

- 4. The neglect, by such minister, to use any prescribed ornament or vesture (*p*). neglect of prescribed ornaments ;
- 5. The failure, by the incumbent, to observe, or cause to be observed, the directions relating to the services, rites, and ceremonies contained in the Book of Common Prayer. want of observance of directions contained in Common Prayer Book ;
- 6. His unlawfully adding to, altering, or omitting from the services, rites, and ceremonies (*q*). alterations or omissions from services.

Proceedings under this Act are commenced by a representation (*r*) made to the bishop that one, or more, of the six cases stated above has occurred. This representation may be made by—

- 1. The archdeacon of the archdeaconry within which the church or burial-ground is situated. By whom representation may be made—
- 2. A churchwarden of the parish. archdeacon ;
- 3. Three parishioners of the parish. churchwarden ;
- 4. In the case of cathedral, or collegiate churches, any three inhabitants of the diocese. three parishioners ;
three inhabitants.

In either of the last two cases the persons making the representation must be *male persons* of full age, who have, and for one year next before taking any proceedings under the Act have had, their usual place of abode in the diocese within which the church is situated.

The representation must be accompanied by a declaration. Declaration.

(*p*) 37 & 38 Vict. c. 85, s. 8, sub-s. 2.

(*q*) *Ibid.* s. 8, sub-s. 3.

(*r*) 37 & 38 Vict. c. 85. A form is prescribed by the Act ; see Schedule (B.).

tion (*s*) by the persons making it that they are members of the Church of England (*t*).

(*s*) 37 & 38 Vict. c. 85. A form is prescribed by the Act; see Schedule (A.).

(*t*) *Ibid.* s. 8. The following is a copy of this section:—

Representa-
tion by
archdeacon,
church-
warden,
parishioners,
or inhabitants
of diocese.

Sect. 8. “If the archdeacon of the archdeaconry, or a churchwarden of the parish, or any three parishioners of the parish, within which archdeaconry or parish any church or burial-ground is situate, or for the use of any part of which any burial-ground is legally provided, or in case of cathedral or collegiate churches, any three inhabitants of the diocese, being male persons of full age, who have signed and transmitted to the bishop under their hands the declaration contained in schedule (A.) under this Act, and who have and for one year next before taking any proceeding under this Act have had their usual place of abode in the diocese within which the cathedral or collegiate church is situated, shall be of opinion—

- (1.) That in such church any alteration in or addition to the fabric, ornaments, or furniture thereof has been made without lawful authority, or that any decoration forbidden by law has been introduced into such church; or,
- (2.) That the incumbent has within the preceding twelve months used or permitted to be used in such church or burial-ground any unlawful ornament of the minister of the church, or neglected to use any prescribed ornament or vesture; or,
- (3.) That the incumbent has within the preceding twelve months failed to observe, or to cause to be observed, the directions contained in the Book of Common Prayer relating to the performance, in such church or burial-ground, of the services, rites, and ceremonies ordered by the said book, or has made or permitted to be made any unlawful addition to, alteration of, or omission from such services, rites, and ceremonies,—

such archdeacon, churchwarden, parishioners, or such inhabitants of the diocese, may, if he or they think fit, represent the same to the bishop, by sending to the bishop a form, as contained in schedule (B.) to this Act, duly filled up and signed, and accompanied by a declaration made by him or them under the Act of the

It is discretionary with the bishop to take proceedings on the representation, and if, after considering the whole circumstances of the case, he be of opinion that proceedings should not be taken, he must state in writing the reasons for his opinion, and transmit a copy to the persons, or some one of them, who made the representation, and to the person complained of.

Bishop has a discretionary power to institute proceedings.

Whether the reasons given by the bishop are good or bad, if he considers all the circumstances which appear to him, honestly exercising his judgment, to bear upon the particular case, his reasons cannot be reviewed (*u*).

Where he is of opinion that proceedings should be taken on the representation, he must, within twenty-one days after receiving it, transmit a copy to the person complained of, and require such person, and the person complaining, to state in writing, within twenty-one days, whether they are willing to submit to his directions without appeal (*v*).

Two modes of trial are then open to the parties:—

Two modes of trial—
by consent before bishop ;

1. By consent of both parties, the whole matter may

fifth and sixth years of the reign of King William the Fourth, chapter sixty-two, affirming the truth of the statements contained in the representation: Provided, that no proceedings shall be taken under this Act as regards any alteration in or addition to the fabric of a church if such alteration or addition has been completed five years before the commencement of such proceedings.”

(*u*) *Alcroft v. Lord Bishop of London, Lighton v. Lord Bishop of London*, [1891] A. C. 666.

(*v*) 37 & 38 Vict. c. 85, s. 9. The time within which the copy of the representation must be transmitted to the party complained of is imperative: *Howard v. Bodington*, 2 P. D. 203.

be submitted to the bishop without right of appeal (*x*).

by the judge; 2. The matter may be tried before the judge appointed under the Act (*y*).

by consent— Where the bishop tries the matter by consent, the parties may join in stating any questions, arising in the proceedings in a special case, signed by a barrister-at-law, for the opinion of the judge (*z*). This special case is transmitted by the judge for hearing, and any judgment pronounced by the bishop must be in conformity with the judge's determination of it.

special case
may be
stated.

Trial before
the judge.

Where the matter is tried by the judge, the person making the representation must give security for costs to such amount as the judge thinks proper. The judge then gives not less than twenty-eight days' notice to the parties of the place where the matter is to be heard (*a*).

Answer by
person com-
plained of.

The person complained of must then, within twenty-one days after such notice, transmit to the judge, and to the person making the representation, a succinct answer

In default of to the representation. In default of such answer, he is

(*x*) No judgment so pronounced by the bishop shall be considered as finally deciding any question of law so that it may not be again raised by other parties: 37 & 38 Vict. c. 85, s. 9.

(*y*) The judge appointed under the Act is Lord Penzance, who is also judge of the Provincial Courts of both provinces: see *ante*, p. 14.

(*z*) The section is ambiguous, and it appears doubtful whether this power does not extend to all trials under the Act: see sect. 9.

(*a*) The place of trial must be in the diocese or province or in London or in Westminster: 37 & 38 Vict. c. 85, s. 9.

deemed to have denied the truth or relevancy of the representation. answer, representation to be deemed traversed.

The evidence is taken *virâ voce*, in open court, and upon oath. The judge has the same power of enforcing the attendance of witnesses and production of documents, as a judge of any of the superior Courts. Evidence.

To provide for appeals the judge states the facts proved before him in the form of a special case, unless the parties both agree that the evidence should be taken by a shorthand writer, and that a special case should not be stated (*b*). No fresh evidence is admitted upon appeal, except by leave of the Court of Appeal (*c*). Evidence stated by judge as a special case or taken by a shorthand writer.

The judgment must be a written one. Judgment.

Costs are in the discretion of the judge (*d*). Costs.

Appeals lie from the judgment to the Privy Council (*e*). Appeals.

The monitions (*f*), or other orders of the bishop, or judge, are enforced, if necessary, by inhibiting the in- Enforcements of monitions.

(*b*) The special case is to be similar to a special case stated under the Common Law Procedure Acts, 1852, 1854: 37 & 38 Vict. c. 85, s. 9.

(*c*) 37 & 38 Vict. c. 85, s. 12.

(*d*) *Ibid.* s. 9.

(*e*) *Ibid.* Although in every appeal in ecclesiastical cases it has been very much a matter of course and a ministerial act of the officer of the Court to issue an inhibition, yet a discretion rests with the appellate tribunal to issue it or not. In the case of *Ridsdale v. Clifton*, 1 P. D. 383, the Judicial Committee of the Privy Council, on motion made, and in exercise of their discretion, directed that a portion of the decree of the Court below should be suspended pending the appeal.

(*f*) As to monitions, see *post*, chapter on Ecclesiastical Punishments.

Incumbent only released from inhibition on submission.

Effect of inhibition remaining in force for more than three years.

cumbent for any term not exceeding three months. If the inhibition is disobeyed, the person disobeying may be pronounced guilty of contempt, and arrested under the writ *de contumace capiendo* (*g*). At the expiration of the three months the inhibition is not relaxed until the incumbent has undertaken in writing to pay due obedience to the monition or order. If the inhibition remain in force for more than three years, or if a second inhibition be issued for the same monition within that time, the benefice or ecclesiastical preferment, in respect of which the monition is issued, becomes void. The bishop may, however, after the expiration of the three years, give the incumbent three months' further time for repentance for some special reason, which he (the bishop) must state in writing. The spiritual duties of the parish may be provided for by the bishop during the inhibition, and the necessary funds raised by sequestration.

Patron presents on avoidance.

Monition may be obeyed without a faculty.

Visitor of cathedral church stands

On such an avoidance of the benefice, the patron may present as though the incumbent were dead (*h*).

A faculty is not necessary to lawfully obey any monition issued under the Act (*i*). In the case of a cathedral or collegiate church, the visitor stands in the place of the bishop, and has to perform the same duties. Complaints

(*g*) *Green (App.), Lord Penzance and Others (Resps.)*, L. R. 6 H. L. 657. This is construed reasonably, and there is a discretion to refuse to enforce the monition by means of proceedings in the original suit where a considerable time has elapsed. See *Hakes v. Cox*, [1892] P. 110.

(*h*) 37 & 38 Vict. c. 85, s. 13.

(*i*) *Ibid.* s. 14.

relating to the fabric, ornaments, furniture, or decorations of such churches are made against the dean and chapter, while complaints concerning the ornaments of the minister, or the performance of the services, rites, and ceremonies, are made against the clerk alleged to have offended (*k*).

in place of the bishop; and complaints are made against the dean and chapter or against the clerk offending.

Any proceedings for alterations or additions to the fabric of a church must be taken within five years of such alteration or addition (*l*).

Limitation of actions for alterations of fabric.

Proceedings cannot be taken in respect of the same matter against an incumbent both under the Church Discipline Act and the Public Worship Regulation Act, and any suit under one or other of these Acts exempts him from all liability to proceedings under the other (*m*).

Proceedings under the Church Discipline Act exempt from proceedings under this Act, and *vice versa*.

In cases under the Public Worship Regulation Act, when questions of law and fact are involved, the Court will hear two counsel on each side, and one counsel in reply (*n*).

(*k*) *Ibid.* s. 17.

(*l*) *Ibid.* s. 8.

(*m*) *Ibid.* s. 18.

(*n*) *Clifton v. Ridsdale*, 1 P. D. 316.

ECCLESIASTICAL PUNISHMENTS.

Ecclesiastical censures and punishments. THE ecclesiastical punishments, or censures, all consist in either withdrawing from the offender some privilege which the Church has given him, or in wholly expelling him from the Christian communion. Some censures are applicable to both clergy and laity, whilst others are applicable only to the clergy.

Where a defendant has been found guilty of an ecclesiastical offence, the judge has no discretion to absolve him from all ecclesiastical censure or punishment, but must inflict what is, in his opinion, an appropriate punishment (*o*).

Censures applicable to both clergy and laity.

The censures to which both clergy and laity are subject are—

1. Admonition or monition.
2. Penance.
3. Suspension *ab ingressu ecclesie*.
4. Excommunication, with the spiritual and temporal consequences incident to it.

Censures to which only the clergy are liable.

But the clergy alone are subject to—

1. Suspension.
2. Sequestration.
3. Deprivation.
4. Degradation.

Admonition or monition (*p*) is the lightest form of ecclesiastical censure, and is a reprimand addressed by an Ecclesiastical Court to an offender convicted before it (*q*). Admonition
or monition.

In the case of *Read v. Bishop of Lincoln* (*r*) it was held that where the promoters of an ecclesiastical suit have established the commission of an ecclesiastical offence, they are not entitled as of right to a monition, but the judge is entitled, on being satisfied that the offence will not be repeated, to accept the assurance of future submission.

Penance is an ecclesiastical punishment affecting the Penance. body of the penitent; it is described by the canonists as of three sorts—viz., public, private, and solemn, but appears now to have fallen into disuse (*s*). Penance was usually enjoined in cases of incest or incontinency, and in the smaller faults and scandals (*t*).

(*p*) The term “monition” has three distinct meanings; the one given here, to enforce the orders and compel the performance of some act (*e.g.*, under the Public Worship Regulation Act; see *ante*, chapter on that Act), and to restrain some act contrary to the Ecclesiastical Law (*e.g.*, erecting a tombstone without permission of the incumbent of the parish): Brice’s Public Worship, p. 276.

(*q*) Phillimore’s Ecclesiastical Law, 2nd ed. p. 1065; Brice’s Public Worship, pp. 275, 276. For an admonition for not repairing the chancel, see *Morley v. Leacroft*, [1896] P. 92.

(*r*) [1892] A. C. 644.

(*s*) Phillimore’s Ecclesiastical Law, 2nd ed. p. 1065.

(*t*) Godb. Append. 18. “In the case of incest or incontinency, the sinner is usually enjoined to do a public penance in the cathedral or parish church, or public market, barelegged and bareheaded, in a white sheet, and to make an open confession of his crime in a prescribed form of words; which is augmented or mode-

Suspension. *Suspension ab ingressu ecclesie* is a temporary excommunication. It consists in temporarily withholding from the offender some of the privileges of the Church—*e.g.*, the hearing of divine service and receiving the holy sacrament (*u*).

Excommunication—
the less ;

the greater. *Excommunication* is of two sorts—the greater and the less. The less excommunication excludes the offender from participation in the sacraments and divine worship ; the greater proceeds further, and excludes him not only from these, but also from the company of all Christians (*v*). Formerly an excommunicated person was liable to various civil disabilities : he could not serve on juries or be a witness in any Court, or bring any action to recover his property (*x*), and, in addition to this, the offender might

Writ of *de excommunicato capiendo*—
imprisonment.

have been imprisoned, under a writ *de excommunicato capiendo*, until he was reconciled to the Church. This is now remedied by 53 Geo. III. c. 127, which provides that no excommunicated person shall incur, by the sentence of excommunication, any penalty or incapacity whatever, except such imprisonment, not exceeding six months, as the Ecclesiastical Court may direct.

Punishments
inflicted on
the clergy
alone :—
Suspension.

Punishments inflicted only on the clergy :—

Suspension is either from office and benefice jointly (*y*),

rated according to the quality of the fault and the discretion of the judge” : Godb. Append. 18.

(*u*) Gibs. 1047.

(*v*) Johns. 168 ; Steph. Com. 13th ed. vol. iii. p. 354.

(*x*) Steph. Com. 13th ed. vol. iii. p. 354.

(*y*) In *Hebbert v. Purchas*, 4 P. C. 301, the perpetual curate of a chapel of ease of a parish church was suspended *ab officio et a*

or from one of them. It is, in fact, a temporary degradation or deprivation, or both (*z*). By the canon law a previous admonition is necessary before sentence of suspension, unless the offence is such as to require an immediate suspension (*a*). The suspended clergyman is not entitled to any profits of the benefice, and cannot recover them by action during the continuance of the suspension, and this although no sequestration may have been issued (*b*). If he preach or perform any other clerical function during the suspension, he is guilty of a contempt (*c*).

Suspended clergyman cannot recover profits of the benefice, or perform clerical functions.

In a recent case (*d*) a clerk was accused under the Church Discipline Act (*e*), and, being found guilty, was suspended *ab officio* for a period of six months. During this period he officiated in breach of his suspension. Afterwards, and after the expiration of the six months, his disobedience in respect of having so officiated was

beneficio for persistent contempt in disobeying a monition issued to enforce obedience to an Order in Council, made in an ecclesiastical cause, declaring illegal and prohibiting the practice of certain rites, ceremonies, and vestments.

(*z*) Burn's Ecclesiastical Law, 9th ed. vol. iii. p. 667, tit. "Suspension."

(*a*) Burn's Ecclesiastical Law, 9th ed. vol. iii. p. 668, tit. "Suspension." This applies to suspension *ab ingressu ecclesie* as well: Gibs. 1046.

(*b*) *Morris v. Ogden*, 4 C. P. 687.

(*c*) *Bishop of London v. Day*, 1 Rob. Eccl. 724; *Hebbert v. Purchas*, L. R. 4 C. P. 301, 312. See *Trower v. Hurst*, 5 Notes of Cases, 165.

(*d*) *Ex parte Rev. James Bell Cox*, 20 Q. B. D. 1.

(*e*) 3 & 4 Vict. c. 86.

signified at the instance of the promoter, and he was imprisoned under a writ *de contumace capiendo*. It was held by a Divisional Court that the imprisonment was illegal, as, the period of suspension under the order having expired, the order was no longer in force, and a writ *de contumace capiendo* could not be issued; but this decision was reversed by the Court of Appeal, which held that the writ was lawfully issued.

Sequestration.

Sequestration is the receiving of the profits of a benefice by a sequestrator, or officer appointed by the bishop. Sequestrations issue on vacancies of the cure, during the pendency of a suit relating to the living, for executions recovered against the incumbent, and for other like purposes. The sequestration in such cases is an ordinary civil process, and is analogous to sequestration or execution in the King's Bench Division. Sequestration is also used as a punishment for canonical offences, such as immorality, non-residence, intemperate conduct, and the like (*f*).

Criminal sequestrations take precedence over civil ones.

Criminal sequestrations always take precedence over civil ones, quite irrespective of the order in which they are issued (*g*).

Sequestration Act, 1871.

The carrying on of public worship during a sequestration is now regulated by the Sequestration Act, 1871 (*h*). Under that Act, where a sequestration on a judgment

(*f*) Brice's Public Worship, pp. 284, 285.

(*g*) *Bunter v. Creswell*, 14 Q. B. 825; 19 L. J. Q. B. 687; 3 Jur. 864.

(*h*) 34 & 35 Vict. c. 45.

recovered against an incumbent, or under his bankruptcy, remains in force for six months, the bishop of the diocese has power to license a curate or curates to perform the services of the Church during its continuance. The bishop fixes the stipends of the curates, which are regulated by the population of the parish (*i*), and must not exceed in the whole two-thirds of the annual value of the benefice (*k*).

Power of bishop to license curates to carry on public worship. Stipends of curates.

Where the sequestration remains in force for more than six months, the incumbent may be inhibited by the bishop from performing the services of the Church, but such inhibition may be withdrawn at any time (*l*).

The incumbent may be inhibited, &c.

It is provided by sect. 6 of the Sequestration Act, 1871, that during sequestration the incumbent is absolutely disabled from presenting or nominating to any vacant benefice of which he may be patron, in right of the benefice under sequestration; the right of presentation in such case is exercised by the bishop of the diocese in which the vacant benefice is situated (*m*).

Incumbent cannot nominate to any vacant benefice he holds by incumbency during sequestration, right being exercised by the bishop;

During the continuance of the sequestration, the incum-

or accept any other benefice

	The whole of the stipends must not exceed	
(<i>i</i>) If the population does not exceed 500.....	£200 per annum	
,, exceeds 500 but not 1,000.....	300	,,
,, ,, 1,000 ,, 3,000.....	500	,,
,, ,, 3,000	600	,,

(*k*) 34 & 35 Vict. c. 45, s. 1. That is, the net annual value after deducting all rates, taxes, and charges assessed upon and payable out of the benefice, exclusive of the parsonage, vicarage, or other place of residence of the incumbent: 34 & 35 Vict. c. 44, s. 11.

(*l*). 34 & 35 Vict. c. 45, s. 5.

(*m*) *Ibid.* s. 6.

without consent of bishop and sequestrator.

bent cannot accept any other benefice or preferment the acceptance of which would avoid, or vacate, the benefice under sequestration, without the consent, in writing, of the bishop of the diocese and sequestrator (*n*).

Except to the extent that the Act in terms interferes with the position of the incumbent he retains his character of and right as incumbent—*e.g.*, he retains the right of appointing the parish clerk (*o*).

Powers of sequestrator.

A sequestrator may sue in his own name at law or in equity, or levy a distress, or take any other proceeding which might have been taken by any incumbent, if the benefice had not been under sequestration. He has power also to sue the incumbent. Where the sequestrator is appointed at the instance of a creditor, he may require the creditor to indemnify him before he takes any of the above proceedings. Payment of any money to a sequestrator is a good discharge as against a claim by the incumbent (*p*).

Deprivation.

Deprivation consists in depriving a clergyman of his parsonage, vicarage, or other spiritual promotion or dignity (*q*). The chief distinction between suspension and deprivation is, that the former is only temporary, while the latter is perpetual. This sentence can only be pronounced by an ecclesiastical judge in the presence or with the concurrence of a bishop or archbishop. The Dean

Distinction between deprivation and suspension.

Sentence must be pronounced with concurrence of bishop or archbishop.

(*n*) 34 & 35 Vict. c. 45, s. 7.

(*o*) *Laurence v. Edwards*, [1891] 1 Ch. 144.

(*p*) 12 & 13 Vict. c. 67, s. 2.

(*q*) Deg. p. 1, c. 9; Burn's Ecclesiastical Law, 9th ed. vol. iii. p. 141, tit. "Deprivation."

of Arches is the only exception to this rule, he alone Exception in case of Dean of Arches. having power to pronounce such a sentence by himself and *proprio motu* (r).

The ordinary sentence of deprivation in use in the Ecclesiastical Courts is not limited to the particular preferment or benefice stated in the articles to be held by the respondent, but extends to all ecclesiastical promotions within the jurisdiction held by the respondent at the time that sentence is pronounced (s).

It is contrary to the practice of the Court of Arches to pronounce a sentence of perpetual suspension from the performance of divine service against a respondent who holds a benefice of which the Court has jurisdiction to deprive him (t).

In *Martin v. Mackonochie* (u), after an appeal, on the hearing of which the cause was remitted by the Judicial Committee of the Privy Council to the Official Principal, but before the terms of the remission had been complied with, the respondent resigned the perpetual curacy of St. Alban's, Holborn, and was instituted to the incumbency of St. Peter's, London Docks. On the cause subsequently coming on for sentence, the Official Principal of the Court of Arches (Lord Penzance) pronounced sentence, depriving the respondent of all ecclesiastical promotions within the province of Canterbury of which

(r) *Bonwell v. Bishop of London*, 14 Moo. P. C. 395, 412—414.

(s) *Martin v. Mackonochie* (third suit), 8 P. D. 191.

(t) *Supra.*

(u) *Supra.*

he was possessed when the sentence was pronounced, and of all ecclesiastical emoluments belonging thereto.

Degradation. *Degradation* consists in depriving a clergyman of his holy orders, and degrading him from the office of a priest

Sentence, how pronounced. or deacon (*v*). This sentence can only be pronounced by the bishop, who must be assisted in his judgment either by his chancellor, dean, and some of the prebendaries; or by the archdeacon and two, at least, grave ministers and preachers (*x*).

(*v*) Godb. Rep. 309; Burn's Ecclesiastical Law, 9th ed. vol. iii. p. 139, tit. "Degradation."

(*x*) Burn's Ecclesiastical Law, 9th ed. vol. iii. p. 140, tit. "Degradation;" Can. 122, 4.

APPENDIX.

RULES OF THE COURT OF ARCHES.

“ 1. ALL Decrees, Citations, Monitions, Inhibitions, Compulsories, and other Instruments under seal shall be prepared in and issued from the Registry of this Court, in Forms to be approved of by the Judge, on written application (from the Proctor of the party or parties requiring the same, and signed by him), and no act of Court shall be necessary to lead such Decrees, Citations, Monitions, Inhibitions, Compulsories, or other Instruments, and the same shall bear date on the day on which they are respectively issued.

Decrees, &c.
to be prepared
in Registry.

No act neces-
sary to lead
same.

“ 2. All Decrees, Citations, Monitions, Inhibitions, Compulsories, and other Instruments heretofore returnable or brought into Court or in Chambers, shall be returnable or brought into the Registry of the Arches Court, and the said Decrees, Citations, Monitions, Inhibitions, Compulsories, and all other Instruments so returned or brought into the said Registry shall have the same full force and effect in Law as the like Instruments have heretofore had when returned into Court.

Decrees, &c.
returnable in
Registry.

“ 3. All such Instruments shall be so returnable, if served within fifty miles of London, on the third day after service, and if beyond that distance on the sixth day after service, and if not returned into the Registry within three days of the day on which they are so returnable, they shall be void and of none effect, save and except that this Rule shall not apply to Compulsories, and that Monitions for transmission of process shall be returnable in ten days, and not be void if not returned within that period. The Proctor shall file his Proxy in the Registry on the day on which he returns his Decree.

Decrees, &c.
when made
returnable.
If not
returned, void.

“ 4. The return of all Instruments into the Registry shall be entered by the Registrar on the day on which they are so returned, in a book to be kept for that purpose.

Book for
entering
returns.

Appearance to be entered in six days.

If no appearance, may proceed in default.

Articles, &c. to be filed within six days.

To declare within eight days whether opposed.

Alteration or amendment in Articles, &c. to be made within ten days.

If not opposed, to give issue.

If affirmative papers to Judge.

If negative issue, to declare whether Plea. If no Plea, to declare whether Witnesses are to

“ 5. An Appearance shall be entered in the Registry by the Proctor for the party cited, within six days after the return of the Decree of Citation, and he shall file his Proxy at the same time, and if no such Appearance be entered within that time it shall be competent to the party promoting the suit to proceed in default of such Appearance, but an Appearance may be entered at any time during the dependence of the suit, with the consent of the Judge in Chambers.

“ 6. On an Appearance being entered, a duplicate copy thereof shall be given to the Proctor returning the Decree, who shall file his Articles, Libel, or Petition, in the Registry, within six days from his having such notice, and deliver a copy thereof to the Proctor for the party cited.

“ 7. The Proctor for the party cited shall declare by notice in writing, to be left in the Registry within eight days after his being furnished with a copy of the Articles, Libel, or Plea, whether or not he opposes the admission thereof. And if he opposes the same, or in default of Appearance, the Registrar shall send the papers to the Judge, who will thereupon appoint a day to hear Counsel and to decide as to the admissibility thereof.

“ 8. If the Articles, Libel, or Plea shall be ordered by the Judge to be altered or amended, such alteration or amendment shall be made in the Articles, Libel, or Plea filed in the Registry within ten days from the Judge's order, and a copy thereof left with the other Proctor, who shall within eight days give notice whether he further opposes the admission thereof.

“ 9. If the Proctor for the party cited declares he does not oppose the admission of the said Plea, or neglect to declare within the required time, the same shall stand admitted, and the said Proctor, on the admission thereof, shall, in all plenary suits, be required thereupon to leave written notice in the Registry whether he gives negative or affirmative issue thereto. If an affirmative issue be given, the Registrar shall send the papers to the Judge, who will appoint a day for the hearing.

“ 10. If the Proctor for the party cited gives a negative issue, he shall at the same time declare whether he intends to plead or not, and a copy of the notice shall be left with the Proctor for the promoter the same day. If he does not give in any Plea, or if the proceedings be carried on in default, the Proctor for the promoter

shall declare whether he intends to prove his case by examining Witnesses orally, or in writing. And in the event of the Witnesses being examined orally, the papers shall be sent to the Judge to appoint a day or days for taking evidence, hearing arguments, and giving judgment.

be examined orally or in writing. If orally, papers to be sent to Judge.

“ 11. If a responsive Plea be given in, the same shall be filed in the Registry within six days from the notice mentioned in the 9th rule, and the same time shall be allowed (as in case of Articles, &c.) for the other Proctor to declare whether such Plea is admitted or opposed, and if opposed the same shall be sent to the Judge in like manner as in case of Articles, &c.

If responsive, Plea to be given in with- in six days.

“ 12. In the event of any clerical or verbal error being discovered in any Plea after it has been filed in the Registry, and previous to any evidence being taken thereon, it shall be competent to the Registrar, on written application from the Proctor, to correct the same, with consent in writing of the other Proctor.

Clerical error in Plea may be corrected.

“ 13. If, on the admission of any Libel or Plea, the Proctor requires the Answers of the other party thereto, he shall within three days from the time of such admission leave notice in the Registry thereof, and notice shall be given by the other Proctor within a week subsequent thereto whether he requires a Requisition or Commission for taking such Answers, and if the party whose Answers are required resides within fifty miles of London, such Answers shall be brought into the Registry within ten days from the date of such last notice, or the issuing of such Commission; if beyond that distance, then within fifteen days; but if the party to give in the Answers be abroad, such further reasonable time shall be allowed as the distance and circumstances may require. Any party in a suit producing himself for his personal Answers before a Surrogate may be sworn and afterwards repeated to his said Answers in default of the appearance of the other Proctor, if he refuse or neglect to attend.

Answers.

“ 14. On the admission of the last Plea both Proctors shall file a Declaration in the Registry, within six days, that no further Pleas are to be given in, and they shall then declare whether they intend to examine Witnesses *vivâ voce* or by depositions, and no Witnesses shall be examined in the cause until such declaration is filed.

Declaration as to no further Pleas.

“ 15. In the event of the evidence being taken by an Examiner If by an Ex-

aminer or
Commission,
a month
allowed.

in town, or under a Commission, the Proctor shall be allowed a month for so examining Witnesses and lodging the depositions in the Registry. Special application may be made to the Judge in Chambers for further time, if necessary, or if the Witnesses reside abroad, and the evidence is to be taken under a Requisition.

“In all cases where the Witnesses are to be examined under a Requisition or Commission, the notice to be left in the Registry shall be signed by both Proctors.

Witnesses
before Surro-
gate.

“16. In all cases where Witnesses are examined by an Examiner of the Court, they may be produced and sworn before a Surrogate in default of the appearance of the other Proctor or party, if he refuse or neglect to attend after having received written notice thereof.

Examinations
taken by
Examiner.

“17. All written Depositions shall be taken before an Examiner of the Court, or a Commissioner acting under a Commission; all such Examinations and cross-Examinations may be conducted either by Counsel or Proctors, or by the Examiner or Commissioner, as the Proctors may determine, and where Counsel are employed the Fees of one Counsel may be allowed on Taxation.

Counsel may
attend.

“18. If the Judge, on application, directs the evidence of the Witnesses in any cause to be taken down by a Shorthand Writer, a transcript of the Notes so taken by him shall be admitted as proof of such evidence if he has been previously sworn to report faithfully.

Shorthand
Writer's Note
to be evidence.

In Compulso-
ries, Wit-
nesses may be
required to
produce
papers.

“19. In any Compulsory requiring the attendance of Witnesses, it shall be competent to insert a clause (where applied for) requiring any Witness or Witnesses to produce any paper, book, or document that may be considered material to the interest of the cause.

Notice as to
documents to
be produced at
hearing.

“20. In all cases where documents or papers in possession of either party are required to be produced at the hearing of the cause, a notice shall be left in the Registry, signed by the Proctor of the party, requiring their production three days, at least, before the hearing of the cause.

Articles to be
shortened.

“21. Articles, Libels, Petitions, or Pleas shall be headed in the Form annexed hereto, and shall shortly set forth or plead the several facts necessary to substantiate the Charge or Defence.

In proceed-
ings against
Clerks not

“22. In proceedings against Clerks in Holy Orders, it shall not be necessary to exhibit and annex their Letters of Orders, Act on

Institution, or Licence, as the case may be, and in giving a general issue the Defendant shall be held to admit the same. necessary to plead Orders, Institution, &c.

“23. In the event of an Appeal from any Decree or Order made by the Judge, such Appeal must be asserted either at the time of such Decree or Order being made, or by notice left in the Registry within fifteen days from the time of such Decree or Order, and the said Appeal must be duly prosecuted within one month from the date of such Appeal being so asserted. Appeal to be prosecuted within one month ;

“24. If no such Appeal be prosecuted within the time limited by the preceding Rule, the proceedings shall be continued, or the Decree of the Court carried into effect, as if there had been no Appeal, unless notice be previously lodged in the Registry that the Proctor asserting the Appeal intends to make special application to the Judge for an extension of time, which application may be made in Chambers. otherwise proceedings to continue.

“25. When either of the parties is condemned in costs, the Proctor shall lodge his Bill of Costs in the Registry, and deliver a copy thereof to the other Proctor within fourteen days from the day of the Decree. Bill of Costs to be lodged within fourteen days.

“26. The Registrar shall give notice to both Proctors of the time appointed for taxing the said Bill, and may proceed to do so (after such notice) in the absence of the Proctor of the party condemned in costs, and on the completion of such taxation shall enter in the Notice Book his report of the amount to be allowed in respect of such costs. Notice as to time of Taxation.

“27. If either of the Proctors object to such taxation, notice thereof shall be left in the Registry within ten days from the day of such Taxation, and the same shall thereupon be referred to the Judge, who may hear and determine on such objection in Chambers, but if no such notice be left, the Registrar's Taxation shall be conclusive. If Registrar's Taxation objected to, notice within ten days.

“28. If the Proctor whose Bill of Costs has been taxed requires a Monition to enforce the payment thereof, he shall lodge a written application in the Registry, and leave a copy thereof with the other Proctor within fourteen days from the time of the Registrar's Taxation or Judge's decision thereon, as the case may be. Monition within fourteen days.

“29. If a Proctor wishes to apply to have a party pronounced in Contempt for not having obeyed any Decree, Citation, Monition, Inhibition, Compulsory, or other Order of the Court, he shall leave Special Notice for Contempt.

a Notice in the Registry containing full particulars of such intended application, and whether any and what notice thereof has been given to such party, and the date thereof.

Where party appears in person, Rules to apply.

“ 30. In case of a party appearing in person in any suit, either as Promoter or Defendant, the foregoing Rules and Regulations shall be applicable to, and observed by, such party as far as circumstances will permit.

Forms of Notices dated and signed.

“ 31. All Notices, Declarations, &c., required by the foregoing Rules to be given by Proctors shall be so given in Forms to be approved of by the Judge, and shall bear date on the day on which they are left in the Registry, and shall be signed by the Proctor or his Substitute, and copies or duplicates of such Notices, &c., shall be given, on the day they are so dated and left in the Registry, to the other Proctor in the cause.

Judge may shorten or extend time.

“ 32. It shall be competent to the Judge, on application in Chambers, supported by Affidavits, if necessary, to shorten or extend the times fixed by the foregoing or subsequent Rules.

Notices to be entered in a book.

“ 33. The Registrar will enter in a book to be kept for that purpose the dates when the several Papers, Notices, &c., are filed, and the other proceedings taken, and report to the Judge in case of any delay or non-compliance with these Orders, who shall thereupon make such Orders for expediting the proceedings as he may see fit.

Orders not to be enforced from 15th August to 15th October. Rules to apply to Petitions.

“ 34. The foregoing Orders will not be enforced from 15th August to 15th October.

Notices and Forms to be followed.

“ 35. The foregoing Rules and Regulations shall be observed, as far as practicable, where the proceedings are by Petition and Affidavits.

“ 36. The Notices and Forms annexed to these Rules and Regulations shall be followed as near as the circumstances of each case will permit.”

RULES OF THE CHANCERY COURT OF YORK

of September, 1885.

WHEREAS by an Act passed in the Session of Parliament held in the third and fourth years of her Majesty Queen Victoria, intituled an "Act for the better enforcing Church Discipline," it is amongst other things enacted that in proceedings taken under the authority of the Act the bishop may, if he shall think fit, send the case by letters of request to the Court of Appeal of the province, to be there heard and determined according to the law and practice of such Court: "Provided always, that the judge of the said Court may, and he is hereby authorized and empowered, from time to time to make any Order or Orders of Court for the purpose of expediting such suits or otherwise improving the practice of the said Court." And whereas it appears to me, the Right Honourable James Plaisted, Baron Penzance, the duly constituted judge of the Provincial Court of Appeal for the Province of York, that the practice of the said Court would be improved and suits expedited if the under-written orders were made and applied in all suits sent by the bishop to the said Court by letters of request, whether such suits be commenced in future or be already commenced in the said Court, I, the Right Honourable James Plaisted, Baron Penzance, as such judge as aforesaid, and by authority of the said statute and of all or any other powers me thereto enabling, do make the Order or Orders following:—

1. In case of alleged disobedience to any monition issued by the said Court, the party complaining thereof, or his proctor or solicitor, shall serve upon the defendant or respondent personally (or by any form of substituted service which shall have been specially ordered by the Court upon cause shown) a statement in writing of the particular facts or conduct of the defendant or respondent, which are charged as constituting disobedience to the monition, with positive averments of time and place, and shall add thereto a notice in writing to the defendant or respondent that on the court day which shall happen next after the expiration of fourteen clear days from

the time of such service he will apply to the Court to enforce obedience to the monition.

2. Such statement and notice shall be accompanied with copies of one or more affidavits in proof of the same, and a copy of such statement and affidavits, together with an affidavit certifying that the same have been duly served on the defendant or respondent, shall be deposited by the said party complaining in the registry of the Court.

3. If the defendant or respondent desires to contest such application as aforesaid, he must tender to the Court on the said court day a statement in writing of the facts, if any, which he disputes, together with an affidavit or affidavits in support of such dispute, and the grounds, if any, upon which he opposes the making of any order for enforcing obedience as aforesaid, and prepare and give a copy thereof to the party complaining, his proctor or solicitor. If the defendant or respondent has not previously appeared in the suit, he must enter an appearance in the suit either personally or by his proctor or solicitor in the usual way, before such statement aforesaid can be received by the Court, and he can be allowed to contest the making of any such order as aforesaid.

4. The judge, after considering the statement and affidavits of the party complaining, and the counter-statement, if any, of the respondent or defendant, will make, or his surrogate acting under his directions will make, such order as may be needful, if any, for the determination of any matters of law or fact which have been raised and which in the opinion of the judge require to be determined, or in the absence of any such matters will dispose of the case as justice and the law and practice of the Court may require.

5. In case of alleged disobedience to any decree or order of suspension made or issued by the Court, a course similar to the foregoing is to be followed.

6. The above Rules and Orders shall not apply to the case of any disobedience occurring before the issuing or making thereof.

7. In respect of any matter not provided for by these Rules or Orders, or in case of any difficulty arising with regard to the application or interpretation thereof, application must be made to the Court.

Dated this twenty-fourth day of September, 1885.

PENZANCE.

RULES OF THE CHANCERY COURT OF YORK

of May, 1886.

WHEREAS, by an Act passed in the session of Parliament held in the third and fourth years of her Majesty Queen Victoria, intituled an "Act for the better enforcing Church Discipline," it is amongst other things enacted that in proceedings taken under the authority of the Act the bishop may, if he shall think fit, send the case by letters of request to the Court of Appeal of the province, to be there heard and determined according to the law and practice of such Court: "Provided always, that the judge of the said Court may, and he is hereby authorised and empowered, from time to time to make any Order or Orders of Court for the purpose of expediting such suits or otherwise improving the practice of the said Court." And whereas it appears to me, the Right Honourable James Plaisted, Baron Penzance, the duly constituted judge of the Provincial Court of Appeal for the Province of York, that the practice of the said Court would be improved and suits expedited if the under-written Orders were made and applied in all suits sent by the bishop to the said Court by letters of request, whether such suits be commenced in future or be already commenced in the said Court.

And whereas, by the Public Worship Regulation Act it was provided that the office of Official Principal in the two Provinces of Canterbury and York respectively should be held by the same judge, and in all proceedings taken under that Act provision was made for the holding of sittings for the trial of cases arising in the Northern Province at London or Westminster, and it is desirable and convenient to extend so far as may be a similar practice to all other cases arising in the Northern Province, I, the Right Honourable James Plaisted, Baron Penzance, as such judge as aforesaid, and by authority of the said statute and of all and any other powers me thereto enabling, do make the Order or Orders following:—

1. That from and after the making of this Order, in all suits now pending or in future to be instituted in the Chancery Court of

RULES OF THE CHANCERY COURT OF YORK.

York, all hearings of causes involving only the discussion of legal questions or questions of fact arising on affidavits or other written testimony, and the argument of all points of law and interlocutory applications, to the Court or Judge, shall, if so directed by the judge, take place in London, including Westminster, at such time and place as the judge shall appoint, but that all judgments shall be delivered, and all sentences pronounced, and all final orders and decrees of the Court, including interlocutory decrees having the force and effect of a definitive sentence, in writing, and all decrees or orders whatsoever for the infliction of ecclesiastical censure or the signifying of disobedience to the Court of Chancery, shall be pronounced, made, and issued in the Court at York in manner and form as heretofore accustomed.

2. In respect of any matter not provided for by these Rules or Orders, or in case of any difficulty or question arising with regard to the application or interpretation thereof, the judge will on application made to him make such order as may be required.

Dated this twenty-seventh day of May, 1886.

PENZANCE.

ENACTMENTS REFERRED TO.

CHURCH DISCIPLINE ACT, 1840.

3 & 4 Vict. c. 86.

Section Two.

Unless it shall otherwise appear from the context, the term "preferment," when used in this Act, shall be construed to comprehend every deanery, archdeaconry, prebend, canonry, office of minor canon, priest vicar, or vicar choral in holy orders, and every precentorship, treasurership, sub-deanery, chancellorship of the church, and other dignity and office in any cathedral or collegiate church, and every mastership, wardenship and fellowship in any collegiate church, and all benefices with cure of souls, comprehending therein all parishes, perpetual curacies, donatives, endowed public chapels, parochial chapelries, and chapelries or districts belonging to or reputed to belong, or annexed or reputed to be annexed, to any church or chapel, and every curacy, lectureship, readership, chaplaincy, office, or place which requires the discharge of any spiritual duty, and whether the same be or be not within any exempt or peculiar jurisdiction; and the word "bishop," when used in this Act, shall be construed to comprehend "archbishop"; and the word "diocese," when used in this Act, shall be construed to comprehend all places to which the jurisdiction of any bishop extends under and for the purposes of an Act passed in the second year of the reign of Her present Majesty, intituled "An Act to abridge the holding of benefices in plurality, and to make better provision for the residence of the clergy."

Definition of the terms "preferment," "bishop," "archbishop," and "diocese."

1 & 2 Vict. c. 106.

Section Six.

In all cases where proceedings shall have been commenced under this Act against any such clerk it shall be lawful for the bishop of

Bishop may pronounce sentence, by

consent, with-
out further
proceedings.

any diocese within which such clerk may hold any preferment, with the consent of such clerk and of the party complaining (if any), first obtained in writing, to pronounce, without any further proceedings, such sentence as the said bishop shall think fit, not exceeding the sentence which might be pronounced in due course of law; and all such sentences shall be good and effectual in law as if pronounced after a hearing according to the provisions of this Act, and may be enforced by the like means.

Section Fourteen.

Bishop em-
powered to
inhibit party
accused from
performing
services of the
church, &c.

In every case in which, from the nature of the offence charged, it shall appear to any bishop within whose diocese the party accused may hold any preferment that great scandal is likely to arise from the party accused continuing to perform the services of the church while such charge is under investigation, or that his ministration will be useless while such charge is pending, it shall be lawful for the bishop to cause a notice to be served on such party at the same time with the service of a copy of the articles aforesaid, or at any time pending any proceedings before the bishop or in any ecclesiastical court, inhibiting the said party from performing any services of the church within such diocese from and after the expiration of fourteen days from the service of such notice, and until sentence shall have been given in the said cause: Provided that it shall be lawful for such party, being the incumbent of a benefice, within fourteen days after the service of the said notice, to nominate to the bishop any fit person or persons to perform all such services of the church during the period in which such party shall be so inhibited as aforesaid; and if the bishop shall deem the person or persons so nominated fit for the performance of such services he shall grant his licence to him or them accordingly, or in case a fit person shall not be nominated the bishop shall make such provision for the service of the church as to him shall seem necessary; and in all such cases it shall be lawful for the bishop to assign such stipend, not exceeding the stipend required by law for the curacy of the church belonging to the said party, nor exceeding a moiety of the net annual income of the benefice, as the said bishop may think fit, and to provide for the payment of such stipend, if necessary, by sequestration of

the living: Provided also, that it shall be lawful for the said bishop at any time to revoke such inhibition and licence respectively.

Section Eighteen.

Every witness who shall be examined in pursuance of this Act shall give his or her evidence upon oath, or upon solemn affirmation in cases where an affirmation is allowed by law instead of an oath, which oath or affirmation respectively shall be administered by the judge of the court or his surrogate, or by the assessor of the bishop, or by a commissioner; and every such witness who shall wilfully swear or affirm falsely shall be deemed guilty of perjury.

Witnesses to be examined on oath, and to be liable to punishment for perjury.

Section Twenty-two.

Every archbishop and bishop within the limit of whose province or diocese respectively any place, district, or preferment, exempt or peculiar, shall be locally situate shall, except as herein otherwise provided, have, use, and exercise all the powers and authorities necessary for the due execution by them respectively of the provisions and purposes of this Act, and for enforcing the same with regard thereto respectively, as such archbishop and bishop respectively would have used and exercised if the same were not exempt or peculiar, but were subject in all respects to the jurisdiction of such archbishop or bishop; and where any place, district, or preferment, exempt or peculiar, shall be locally situate within the limits of more than one province or diocese, or where same, or any of them, shall be locally situate between the limits of the two provinces, or between the limits of any two or more dioceses, the archbishop or bishop of the cathedral church to whose province or diocese the cathedral, collegiate, or other church or chapel of the place, district, or preferment respectively shall be nearest in local situation, shall have, use, and exercise all the powers and authorities which are necessary for the due execution of the provisions of this Act, and enforcing the same with regard thereto respectively, as such archbishop or bishop could have used if the same were not exempt or peculiar, but were subject in all respects to the jurisdiction of such archbishop or bishop respectively, and the same, for all the purposes of this Act, shall be deemed and taken

Power of archbishops and bishops as to exempt or peculiar places or preferments.

to be within the limits of the province or diocese of such archbishop or bishop; provided that the peculiars belonging to any archbishoprick or bishoprick, though locally situate in another diocese, shall continue subject to the archbishop or bishop to whom they belong, as well for the purposes of this Act as for all other purposes of ecclesiastical jurisdiction.

Section Twenty-five.

Saving of
archbishop
and bishop's
powers.

Nothing in this Act contained shall be construed to affect any authority over the clergy of their respective provinces or dioceses which the archbishops or bishops of England and Wales may now according to law exercise personally and without process in court; and that nothing herein contained shall extend to Ireland.

ECCLESIASTICAL FEES.

ORDER OF THE PRIVY COUNCIL, APPROVING TABLE OF ECCLESIASTICAL FEES AND PAYMENTS, OF 10TH DECEMBER, 1895.

FEES to be taken in respect of Presentation, Nomination, Collation, Institution, Installation, Induction, or License, or any Instrument, matter, or thing connected with the admission of any Spiritual Person to any CATHEDRAL PREFERMENT or BENEFICE throughout ENGLAND and WALES, by any Officer, Secretary, Clerk, or Minister to whom belong the duties of preparing, sealing, transacting, or doing of any such Instruments, matters, or things, and costs of any Secretary of a Bishop and any Registrar of a Diocese under the INCUMBENTS RESIGNATION ACT, 1871 (34 & 35 Vict. c. 44), ordained and established pursuant to the provisions of 1 & 2 Vict. c. 106, s. 131.

		Vicar-General or Chancellor.	Registrar or other Officer by usage performing the duty.	Secretary of Archbishop or Bishop.	* Apparitor.	* Sealer.	* Record Keeper.
		s. d.	£ s. d.	£ s. d.	s. d.	s. d.	£ s. d.
1	Presentation to a benefice.	...	...	2 2 0	...	...	...
2	Nomination to a perpetual curacy.	...	...	1 1 0	...	...	...
3	Collation to a canonry (not honorary)..	16 8	2 2 4	4 4 0	3 6	4 6	0 4 6
4	Collation to a benefice	16 8	1 1 0	2 2 0	3 6	4 6	0 4 6
5	Collation to an honorary prebend or canonry ...	16 8	2 2 4	4 4 0	3 6	4 6	0 2 6
6	Institution to a benefice	9 4	1 15 8	2 2 0	...	1 0	1 1 0
7	Licence to a perpetual curacy .....	...	...	1 1 0	...	...	...
8	Dispensation to hold two benefices..	...	...	...	...	...	...
9	Archbishop's secretary for flat .....	...	...	...	...	...	...
10	Bishop's secretary, for obtaining certificate of value, population, &c., and passing the dispensation through the offices (including the fees, 1 <i>l.</i> 12 <i>s.</i> 6 <i>d.</i>) to the Faculty Office .....	...	...	3 14 6	...	...	...
11	Resignation, instrument of, when prepared by secretary .....	...	...	1 1 0	...	...	...
12	Commission for institution... }	...	...	1 1 0	...	...	...
13	Commission for licence .....	...	...	1 1 0	...	...	...
14	Resignation under Incumbents Resignation Acts (payable in moieties by the outgoing and incoming incumbents) .....	...	0 5 0	10 0 0	...	...	...

* The fees payable under these heads will, subject to vested interests, cease to be payable.

		Arch- deacon's Official.	Arch- deacon's Registrar.	Apparitor.	Record Keeper.	Sealer.
15	Induction to a benefice consist- ing of one parish, or of two or more united parishes.	£ s. d. 0 10 0	£ s. d. 0 13 0	£ s. d. 0 1 0	£ s. d. 0 2 6	£ s. d. 0 1 0

* The fees payable under these heads will, subject to vested interests, cease to be payable.

		Commis- sary of Dean and Chapter.	Registrar of Dean and Chapter or other Officer by usage performing the duty.	Apparitor.	Sealer.
16	Installation to a deanery	£ s. d. 1 1 0	£ s. d. 8 8 0	£ s. d. 0 10 0	£ s. d. 0 5 0
17	Installation to a canonry or archdeaconry	1 1 0	4 4 0	0 10 0	0 5 0
18	Induction to honorary canonry or pre- bend.	...	1 1 0	...	0 2 6
19	Collation to minor canonry	0 10 6	2 2 0	...	0 2 6
20	Presentation to a benefice, in gift of dean and chapter, if prepared by registrar.	...	2 2 0	...	...
21	Nomination to a perpetual curacy, in gift of dean and chapter, if prepared by registrar.	...	1 1 0	...	...

The fees include postages, telegrams, carriage and transmission of documents, office expenses, stationers' charges, and all other similar disbursements.

Collation.

The secretary's fee for collation includes all charges for correspondence with the clerk to be collated, for all searches in the registry, for all communications with the Ecclesiastical Commissioners, for examining the letters of orders and letters testimonial, for all communications with the registrar of the diocese, for the entry of the collation in the bishop's act book and obtaining the seal of the bishop to the instruments connected with the collation in all cases where the same are sealed with such seal, and the return to the Judges of the Queen's Bench Division of Her Majesty's High Court of Justice when made by the bishop.

The fee of the registrar, or other officer by usage performing the duty, includes all charges for preparing the sentence of collation for preparing the certificate

of subscription to the 39 Articles, and all other necessary certificates, declarations, and instruments, for attending on the bishop when the collation takes place, and the necessary oaths and declarations are made, taken, and subscribed, for entering the collation in the register books of the diocese, and for preparing letters, testimonials, and the mandate of induction addressed to the archdeacon, and obtaining the seal of the vicar-general to those instruments in all cases where the same are sealed with such seal, and the return to the Judges of the Queen's Bench Division of Her Majesty's High Court of Justice, when not made by the bishop himself.

Institution.

The secretary's fee includes all charges for correspondence with the presentee for examining the deed of presentation, the letters of orders and letters testimonial, for all communications with the Ecclesiastical Commissioners, for preparing the bishop's fiat or his commission when the latter is issued, for all communications with the registrar of the diocese, for the entry in the bishop's act book and obtaining the seal of the bishop to the instruments connected with the institution in all cases where the same are sealed with such seal, and the return to the Judges of the Queen's Bench Division of Her Majesty's High Court of Justice when made by the bishop.

The fee of the registrar or other officer by usage performing the duty includes all charges for preparing the instrument of institution, for preparing the certificate of subscription to the 39 Articles, and all other necessary certificates, declarations, and instruments for attending on the bishop or his vicar-general when the institution takes place and the necessary oaths and declarations are made, taken, and subscribed, for drawing a notarial act of the proceedings and entering the same in the register book of the diocese, for preparing the letters testimonial and the mandate of induction to the archdeacon, and obtaining the seal of the vicar-general to the several instruments in all cases where the same are sealed with such seal, and making the return to the Judges of the Queen's Bench Division of Her Majesty's High Court of Justice, when not made by the bishop himself.

Licences to Perpetual Curacies.

The secretary's fee includes all charges for correspondence with the clerk to be licensed, for examining the nomination, the letters of orders and letters testimonial, for preparing the bishop's fiat or his commission when issued, for all communications with the registrar of the diocese, for the entry in the

bishop's act book and obtaining the seal of the bishop to the instruments connected with the licence in all cases where the same are sealed with such seal, and the return to the Judges of the Queen's Bench Division of Her Majesty's High Court of Justice, when made by the bishop.

The fee of the registrar, or other officer by usage performing the duty, includes all charges for preparing the license, for preparing the certificate of subscription to the 39 Articles, and all other necessary certificates, declarations, and instruments, for attending on the bishop or his vicar-general when the necessary oaths and declarations are made, taken, and subscribed, and for entering the license in the register book of the diocese, and obtaining the vicar-general's seal in all cases where the instruments connected with the license are sealed with such seal, and making the return to the Judges of the Queen's Bench Division of Her Majesty's High Court of Justice, when not made by the bishop himself.

Installation and Induction to Cathedral Preferment.

The fee of the registrar, or other officer by usage performing the duty, includes all charges for preparing and engrossing all necessary instruments and certificates, for entering the several chapter acts and schedules for attendances, and for registering the whole proceedings in the chapter book.

TABLE OF FEES AND PAYMENTS *to be made to CHANCELLORS or VICARS-GENERAL, REGISTRARS, SECRETARIES, and other OFFICERS, on the CONSECRATION of CHURCHES, CHAPELS, CEMETERIES, and BURIAL GROUNDS on and incidental to the GRANT of FACULTIES, and on the ORDINATION of DEACONS and PRIESTS, and to the CHANCELLORS or VICARS-GENERAL, REGISTRARS, and other OFFICERS of ARCHBISHOPS and BISHOPS, and to ARCHDEACONS and their OFFICIALS and other OFFICERS, on the VISITATION of such ARCHBISHOPS and BISHOPS and ARCHDEACONS respectively, settled pursuant to the provisions of the Act 30 & 31 Vict. c. 135.*

	Vicar-General, Chancellor, Archdeacon, or Official.	Registrar or other Officer by usage performing the Duty.	Secretary of Archbishop or Bishop.	Apparitor.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1 Consecration of a church and burial ground, or a church without a burial ground.....	3 3 0	7 7 0	1 1 0	1 1 0
2 Consecration of a cemetery or burial ground	2 2 0	6 6 0	1 1 0	1 1 0
3 Episcopal or archidiaconal visitation	0 2 0	0 12 6	...	0 3 6
4 Faculty (if unopposed) for minor alterations to be enumerated by the chancellor of the diocese, or for the removal of glebe buildings	1 1 0	1 1 0	...	...
5 Faculty for other alterations in churches and churchyards	1 1 0	3 13 6	...	0 10 6
6 Ordination.....	...	0 5 0	2 2 0	...

The fees include postages, telegrams, carriage and transmission of documents, office expenses, stationers' charges, and all other similar disbursements.

1 and 2. The chancellor's fee includes the approval of plans, the perusal of the petition and other papers, the settling the sentence, and the approval of the draft Act. The registrar's fee includes the perusal of the deeds of conveyance, the drawing and engrossing of the petition, and the sentence and the notarial act, the necessary attendance at the consecration, and the registering the deeds and the Act in the register book in the diocese. The secretary's fee includes the inspection of plans and correspondence prior to the papers being sent to the registry. The apparitor's fee includes all necessary citations and attendance on the bishop at the consecration.

3. The chancellor's fee includes the attendance of the chancellor or his surrogate, the examination of the presentments of the outgoing churchwardens, and the admission of the new churchwardens to office. The registrar's fee includes the drawing and issuing of the inhibition and of the mandate for the citation of the clergy, the preparation of the visitation books and of the articles of inquiry and the presentment papers, the attendance at the visitation and attesting the presentments and declarations of the churchwardens, the registering the papers exhibited by the clergy, the tabulating in the registry the copies of the register books of baptism and burials, and other papers required to be annually transmitted. The apparitor's fee includes the preparation and delivery of the citations to the clergy and churchwardens, and the attendance at the visitation.

4 and 5. The chancellor's fee includes the perusal of the petition, the order for the notice or citation, as the case may be, the perusal of the certificate and other papers, and making the decree. The registrar's fee includes the perusal of the minutes of the vestry and the petition, the drawing of the notice or citation and other necessary documents and attending the chancellor for his order, the preparation of the certificate and attendance on the chancellor for his decree, and the drawing and signing the faculty. The apparitor's fee includes the service of the notice or citation, but is exclusive of one shilling a mile for travelling expenses, if the citation is to be personally served in the country.

6. The registrar's fee is for registering the names and titles of the candidates in the register books of the diocese. The secretary's fee is for correspondence with the candidates, the drawing of papers and instructions prior to examination, attendance at the ordination, preparing the letters of orders and other necessary documents, and entering the names and titles of the candidates in the bishop's act book.

INDEX.



A.

ACT ON PETITION, 130.

ADMONITION, 165.

ADVOWSONS, 67—85. *See also* RIGHT OF PATRONAGE; BENEFICES ACT.

rectories and vicarages, 67.

method of trying title to, 67—70.

appendant, 71.

in gross, 71.

presentative, 71.

donative now changed into "presentative," 71, note (*l*).

collative, 72.

elective, 72.

provisions of Benefices Act as to transfer of, 72, 73.

in what cases can be offered for sale by auction, 73.

certain agreements with regard to, invalid, 73, 74.

devolution of right to present, 78.

alien's right to present to, 79.

Roman Catholics, 79.

persons professing Jewish religion, 79.

right of patron to present himself, 79.

descent of, 80.

lapse, 80, 81.

exchanges of, 85.

AGNUS, THE, 62.

ALIENS,

right to present to benefice, 79.

ALLEGATION, 132, note (*r*).

ANSWER, 135, 136.

qualities essential to, 135.

APPEALS,

- from archdeaconries, 10.
- generally, 10, 15.
- from refusal to institute, 76.
- on objections to pleadings, 134.
- different kinds of, 137.
- time, limited for, 137.
- assessors on, 137.
- under Church Discipline Act, 141.
- under Clergy Discipline Act, 151.
- under Public Worship Regulation Act, 161.

APPEARANCE

- under protest, 132.

APPROPRIATIONS, 67, 70.

ARCHBISHOP,

- how constituted, 43.
- how elected, 43.
- powers of, 43.
- option of, 44.
- of Canterbury, privileges of, 44.
- of York, privileges of, 44, note (*g*).
- deprivation or resignation of, 45.

ARCHDEACON,

- Court of, 15, 50.
- authority of, 49.
- how appointed, 49, 50.
- qualification of, 50.

ARCHDEACONRIES, 10.

ARCHES,

- Court of, 12—13.
- official principal of, 13.
- dean of, 13.
- jurisdiction, 125.
- Rules of Court of, Appendix, 173—178.

ARTICLES, 128, 132.

- error in copy of, 132.
- Court bound to admit them if they contain a substantive charge, 133.
- where articles allege previous conviction, 134.

ASSESSORS,

- on appeal to Privy Council, 137—138.
- under Church Discipline Act, 141.
- under Clergy Discipline Act, 146—147.

B.

BANKRUPTCY

- of incumbent, 30—31.

BAPTISM,

- no fees due on, 117.
- fees on searches for, 118.

BEADLE, 59.

BENEFICE. *See also* BENEFICES ACT.

- uniting, 10.
- annuity granted to retiring incumbent not, 11.
- becomes void in certain cases of sequestration, 31.
- resignation of, 35—37.
- pension on resignation of, 35—36.
- grounds under which bishop may refuse to institute to, 75—76.
- notice before institution to, 76.
- declaration by clerk on institution to, 77.
- lapse of right to present to, 80.
- when two may be held together, 83.
- bond to resign, 83.
- profits of, may be mortgaged for repairing residence, 88.
- charges on lands of, 88.
- exchange of, 95.

BENEFICES ACT,

- some sequestrations make benefice void under, 31.
- whole right of patronage must be transferred under, 71.
- no advowsons donative since, 71, note (*l*).
- provisions as to transfer of right of patronage, 72—73.
- prohibits sale of advowson by auction except in certain cases, 73.
- agreements with regard to patronage invalid under, 73, 74.
- grounds on which bishop may refuse to institute, 75—76.
- notice before institution, 76.
- appeals from refusal to institute, 76.
- declaration by clerk under, 77.
- provision as to lapse, 80.

BISHOPRICS,

- number of, 8.
- Act, 8.

BISHOPS,

- right to sit in House of Lords, 9.
- how constituted, 43.
- their powers, 45.
- ecclesiastical judges of their dioceses, 45.
- deprivation or resignation of, 45.
- suffragan, 46.
- officiating as minister, 61.
- right to present on lapse, 80.
- discretion of, to institute criminal proceedings generally, 127.
- under the Church Discipline Act, 139.
- under the Clergy Discipline Act, 144.
- under Public Worship Regulation Act, 159.

BODY,

- removal of, 18, 19.

BRAWLING, 124, note (*h*).

BREAD

- to be used at Holy Communion, 61.

BRISTOL,

- See of, 9.

BURIAL,

- disused burial grounds, 22, 87, 95.
- right of, in churchyard, 93.
- laymen can read service of, 94.
- other provisions as to, 94, 95.
- fees on, 117.

C.

CAERLEON, PROVINCE OF, 8, note (*v*).

CANDLES, 62.

CANON LAW,

- definition of, 3.
- parts of which it is composed, 3.
- the foreign, 3—4.
- review of, 5.
- how far binding on laity, 5.

CANONS,

- how appointed, 47.
- prebendary, 48.
- honorary, 48.
- minor, 48.
- qualification of, 50.

CANONS OF 1603...5.

- not sanctioned by statute, 7.

CANTERBURY, PROVINCE OF, 8.

- bishoprics included in, 8.
- Archbishop of, powers of, 44.
- privileges of, 44.

CATHEDRAL,

- no faculty for, 19.

CEREMONY, 62.

- unlawful, 62.

CHANCEL,

- freehold of, in whom vested, 86, 87.

CHANCEL GATES,

- faculty for, 19.

CHANCELLOR,

- bishops, 15, 45.

CHANCERY COURT, 14.

- Rules of, Appendix, 179—182.

CHAPELS,

- private, 38.
- free, 39.
- of ease, 39.
- parochial, 40.
- district, 40.
- proprietary, 41.

CHAPLAINS, 53, 54.

CHAPTER, 47.

CHURCH,

- alterations in, must be made by faculty, 18.
- definition of, 38.
- lands of, 86.
- right of possession of, 87.

CHURCH BUILDING ACTS, 40, 41.

- CHURCH DISCIPLINE ACT, 10, note (c), 16, 49, note (l),
 124, note (e), 126, 128.
 proceedings under, 139—142.
 commission under, 139.
 notice of, 139.
 report of commissioners, 140.
 modes of trial under, 140, 141.
 limitation of proceedings under, 141.
 place of hearing, 141.
 appeals under, 141.
 proceedings under Public Worship Regulation Act, exempt
 from, 163.
 sections of, Appendix, 183—186.

CHURCHWARDENS, 55—57.

- election of, 55.
 persons ineligible or exempt from office, 55, note (y).
 notice to, necessary before institution by bishop, 76.

CHURCHYARD,

- faculties as to, 21, 22.
 in vicarages vests in vicar, 86.
 vests in incumbent for the time being, 92.
 rights of incumbent as to, 92, 93.
 right of burial in, 93.

CITATION, 128, 129.

- what it must contain, 129.
 difference between, and monition, 130.
 errors in, 130.
 mode of service, 131.

CIVIL LAW,

- definition of, 3.

CIVIL SUITS, 123.

- differences between civil and criminal suit, 127, 128.
 plea in, 128.

CLERGY. *See also* INCUMBENT, PRIEST, DEACON.

- of whom it consists, 27.
 privileges of, 29.
 disabilities of, 30.
 farming by, 30, 31.

CLERGY—*continued.*

- bankruptcy of, 30, 31.
- trading by, 30, 32.
- contract by, contrary to provisions of statute, 32.
- discharge of, from office, 33, 34.
- resignation of, 35—37.

- CLERGY DISCIPLINE ACT, 10, note (c), 17, 125, 128, 134.
- procedure under, 142—155.
 - effect of conviction for certain offences, 142.
 - effect of free pardon, 143.
 - complaint of immorality, 143, 144.
 - mode of trial, 144, 145.
 - assessors under, 146, 147.
 - appeals under, 148.
 - limitations of prosecutions under, 148.
 - certificate of conviction, proof in Ecclesiastical Court, 149.
 - sentences under, 150.
 - limit of incapacity, 150.
 - disobedience to sentence, 151.
 - deposing from holy orders, 151.
 - meaning of Consistory Court, 152.
 - bishop may act although patron, 152.
 - judgment conclusive that Consistory Court has cognizance, 153.
 - definitions in Act, 153, 154.
 - exclusion of doctrine or ritual, 154.

CLERICAL DISABILITIES ACT, 1870...33, 49.

CLERK,

- in holy orders, 42.
- parish clerk, 57.

COADJUTOR, 46, 47.

COFFINS, 117.

COLLATION, 74.

COMMISSARY, 15, note (v).

COMMISSION

- under Church Discipline Act, 139.

COMMON LAW, 5—7.

- ecclesiastical, 6.

- COMMON PRAYER BOOK,
 enforced by Statute, 7.
 clerk must read after induction, 78.
- COMMUNION SERVICE, 61—63.
- COMMUNION TABLE,
 faculty for, 19.
- CONGÉ D'ÉLIRE, 43.
- CONSECRATION, 38.
- CONSISTORY OR DIOCESAN COURT, 15.
- CONSTITUTIONS,
 legatine, 4.
 provincial, 4.
- CONTRACT
 by clergyman contrary to provisions of Statute, 32.
- CONVOCATION, 5, note (*k*).
- COPARCENERS,
 presentation to benefice by, 82.
- CORPORATIONS, 86, note (*y*).
- COSTS, 137.
- COURTS, 12—17.
 provincial, 12.
 Arches, 12, 13.
 peculiars, 14.
 Chancery, 14.
 Diocesan or Consistory, 15.
 Archdeacons', 15.
 each has separate rules of procedure, 125.
- CRIMINAL SUITS, 123.
 difference between civil and criminal suits, 127, 128.
 does not abate by death of bishop or promoter, 128.
 plea in, 128.
 whole transaction must be fairly stated at commencement of,
 133.
- CRUCIFIX, 64, 65.

CURATE, 51.

- perpetual, 51.
- when to be called vicar, 52.
- stipend of, under sequestration, 169.

D.

DEACON,

- age for ordination, 27.
- declaration and oaths by, 28.
- title of, 29.

DEAN,

- how elected, 47.
- residence of, 47.
- rural, 48.
- qualification of, 50.

DEAN AND CHAPTER, 47, 48.

DEAN OF ARCHES, 13.

DECREE, 128.

- vis et modis*, 131.

DEFAMATION, 124, note (*h*).

DEGRADATION, 172.

DEPRIVATION, 170.

- of archbishop and bishop, 45.

DILAPIDATIONS, 96—99.

- proceedings under Dilapidations Act, 96.
- liability of representatives of incumbent for, 98.
- claims by archbishop or bishop for, 99.

DIOCESAN COURTS, 15.

DIOCESAN SURVEYOR, 96.

DIOCESE, DIVISION OF, 10.

DISCHARGE

- of clergyman from office, 33, 34.

DISPENSATION,

- power of Archbishops of Canterbury to grant, 44, 45.

DISTRICT CHAPELS, 40.

DOCTRINE,

- Court need not affix a definite meaning to Articles, 60.
- what latitude of belief in canonical works is allowable, 60.
- position, wine and bread to be used in Holy Communion, 61.
- difference between a rite and ceremony, 62.

DONEE, 53.

E.

EASTER OFFERINGS, 116.

ECCLESIASTICAL DILAPIDATIONS ACT, 36.

ECCLESIASTICAL LAW,
elements of, 3.

EVIDENCE,

- in contested case of faculty, 20.
- at hearing, 136.
- witnesses, attendance of, how compelled, 136.
- on commission under Church Discipline Act, 140.
- under Public Worship Regulation Act, 161.

EXCHANGES,

- of advowsons, 85.
- of benefices, 95.

EXCOMMUNICATION, 166.

EXTRAORDINARY TITHE, 110—114.

F.

FACULTIES, 18—23.

- purposes for which granted, 18, 19, 21, 22.
- granting discretionary with ordinary, 20, 22.
- evidence in contested case, 20.
- only issued with respect to consecrated places, 20.
- cannot be granted to turn to secular purposes, 21.
- irrevocable, 22.
- necessary for dealing with fabric or ornaments, 22, 23.
- for erection of gravestones, &c., 119.

FARMING

by clergyman, 30, 31.

FEES, 116—119.

surplice fees, 116.

on baptism, 117.

on marriage, 117.

on burial, 117.

for searches of register books, 118.

on erection of gravestones, tablets, &c., 119.

ecclesiastical, Appendix, 187—192.

FIRE,

insurance against, 97, 99.

FIRST FRUITS, 77.

FREE CHAPELS, 39.

G.

GLEBE, 89.

freehold vests in incumbent, 89.

mines, 89.

timber, 90.

leases of, 90—92.

GLOUCESTER, SEE OF, 9.

GRAVESTONES,

require faculty for erection, 119.

fees on erection of, 119.

GRAVEYARDS,

faculties as to, 21—22.

H.

HEARING, 136.

HOLY ORDERS, 27.

HONORARY CANONS, 48.

I.

- INCUMBENT.** *See also* CLERGY.
 bankruptcy of, 30, 31.
 resignation of, 35.
 when to be styled vicar, 52.
 must reside in official residence, 87.
 freehold of glebe vests in, 89.
 power to open mines, 89.
 cut timber, 90
 can make leases, 90—92.
 churchyard vested in, 92.
 rights of, as regards churchyard, 92, 93.
 liability for dilapidations, 96.
 may be inhibited under Public Worship Regulation Act, 161,
 162.
 suspension of, 166.
 cannot nominate to vacant ecclesiastical benefice he holds by
 incumbency, during sequestration, 169.
 deprivation of, 170.
 degradation of, 172.
- INCUMBENTS' RESIGNATION ACT, 1871...35.**
 Amendment Act, 1887...35.
- INDUCTION, 76, 78.**
 formalities after, 78.
- INFANT**
 presents to benefice by himself, not by a guardian, 81.
- INHIBITION, 162.**
- INSTITUTION, 75—77.**
 grounds on which bishops may refuse, 75.
 notice before, 76.
 appeals from refusal to institute, 76.
 discretion of bishop in refusing to institute, 77.
- INSURANCE**
 against fire, 97, 98.

J.

- JEWS,**
 right of person professing Jewish faith to present to benefice, 79.
- JOINT TENANTS,**
 presentation to benefice by, 81.

JUDGE,

- appointed under Public Worship Regulation Act, 13, 14.
- of Consistory Court, 15.
- of Archdeacon's Court, 16.

JUDGMENT, 136.

- under Public Worship Regulation Act, 161.

JURISDICTION OF ECCLESIASTICAL COURTS,

- in civil suits, 123.
- in criminal suits, 123.
- criminal jurisdiction over laity, 124.

JUS PATRONATUS, 69.

L.

LADY CHAPELS, 38, note (*y*).

LAITY,

- canons how far binding on, 5.
- who included in, 27.
- offices discharged by, 42.
- appointment of archdeacon by, 50.
- criminal jurisdiction over, 124.
- censures to which subject, 164.

LAMBETH DEGREES, 45.

LANDS OF THE CHURCH,

- freehold, in whom vested, 86.
- churchyard, 86.
- chancel, 86.
- charging with money borrowed for benefit of benefice, 88.
- See* GLEBE, 89.
- leases of, 90—92.

LAPSE,

- of right of presentation, 80, 81.
- time for, under Clergy Discipline Act, 151.

LEASES,

- to clergyman of farm, 31.
- of glebe, 90—92.

LECTURER, 54.

LEGATINE CONSTITUTIONS, 4.

LETTERS OF REQUEST, 13, 140.

LIBEL, 128, 132.

LITIS CONTESTATIO, 135.

LUNATIC,

presentation to benefice by, 81.

M.

MANCHESTER,

bishopric of, 8.

MARRIAGE,

fees on, 117.

fees on searches for, 118.

MINES,

opening, in glebe, 89.

MINOR CANONS, 48.

MONITION, 129, 165.

difference between monition and citation, 130.

enforcement of, under Public Worship Regulation Act, 161.

MORTUARIES, 115.

cannot be recovered before justices, 116.

N.

NEWCASTLE, Bishopric of, 9.

NEXT PRESENTATION, 71.

could formerly be conveyed, 71.

not so now under Benefices Act, 71.

where owner has purchased a life estate in the advowson, 80.

NOMINATION, 74.

O.

OFFERINGS, OBLATIONS, AND OBVENTIONS, 115.

how recovered, 119.

OFFICERS OF THE CHURCH, 42.

ORATORY, 38, note (z).

ORDINARY, THE, who is, 17.

ORDINATION,

declaration on, 28.

oaths on, 28.

bishop's power as regards, 45.

ORNAMENTS,

faculty cannot be granted for unlawful, 21.

cannot be dealt with except under faculty, 22, 23.

legal ornaments, 62.

meaning of term, 63.

of the Church, 64.

lawful and unlawful, 64—66.

P.

PARISH CLERK, 57.

qualifications of, 57.

how removed, 58.

PARISHES, 10.

opinion of, how proved, 20.

PAROCHIAL CHAPELS, 40.

PARSON, 50.

rated for tithes, 103.

PARSONAGE-HOUSE. *See also* RESIDENCE.

cannot be assigned as pension of retiring clerk, 36.

freehold of, vests in rector, 51.

letting of, 91.

right of widow to reside in, 92.

dilapidations of, 96.

PATRON,

right of, to present himself to benefice, 79.

PECULIARS, 14, 16, 17.

court of, 14.

PENANCE, 165.

PENSIONS, 35, 36, 115.

PERPETUAL CURATE, 51.

PEW

annexed by a faculty, 19.

PLEADINGS,

the same in all Courts, 124.

difference between, in civil and criminal suits, 128.

libel, 132.

articles, 132.

parties may object to, 133.

where articles allege previous conviction, 134.

objections to, 134.

party bound by, 134.

answer, 135, 136.

litis contestatio, 135.

PLURALITY, 82.

Pluralities Acts, 83.

PREBEND, 48, note (*g*).

PREBENDARY, 48.

PRESENTATION, 74.

formalities on, 76.

descent of right of, 78.

lapse of right of, 80, 81.

by infant, 81.

by lunatic, 81.

by joint tenants, 81.

by coparceners, 82.

PRIESTS,

age for ordination, 28.

declaration of, and oaths by, 28.

title of, 29.

PRIVATE CHAPELS, 38.

PROCEDURE,

civil suits, 123.

criminal suits, 123.

pleadings, 124. *See* PLEADINGS.

each Court has its own rules regulating procedure before it, 125.

three classes of proceedings, 125.

differences between civil and criminal suits, 127, 128.

whole matter should be fairly stated at commencement of criminal proceedings, 133.

PROCEDURE—*continued.*

under Church Discipline Act, 139—142. *See* CHURCH DISCIPLINE ACT.

under Clergy Discipline Act, 142—155. *See* CLERGY DISCIPLINE ACT.

under Public Worship Regulation Act, 156—163. *See* PUBLIC WORSHIP REGULATION ACT.

PROPRIETARY CHAPELS, 41.

PROPRIETARY OR SUBSCRIPTION CHAPELS, 41.

PROTEST,

appearance under, 132.

PROVINCIAL CONSTITUTIONS, 4.

Court, 15.

PUBLIC WORSHIP REGULATION ACT, 10, note (c), 13, 14, 126.

proceedings under, 156—163.

judge appointed under, 14.

scope and object of Act, 156.

cases to which Act applies, 156.

limitation of proceedings in certain cases, 156.

proceedings, how commenced, 157.

by whom commenced, 157.

bishop has a discretion to institute proceedings, 159.

modes of trial under, 159.

special case may be stated, 160.

trial before judge appointed under, 160.

answer to representation, 160.

evidence on, 161.

judgment under, 161.

appeals from, 161.

costs, 161.

enforcement of orders under, 161.

faculty not necessary to obey monition under, 162.

against whom complaints to be made in cathedral, 162.

limitation of proceedings for alteration to fabric, 163.

proceedings under Church Discipline Act exempt from, 163.

PUNISHMENTS, 164—172.

admonition, 165.

penance, 165.

PUNISHMENTS—*continued.*

- suspension ab ingressu ecclesie*, 166.
- excommunication, 166.
- suspension, 166—168.
- sequestration, 168.
- deprivation, 170.
- degradation, 172.

Q.

QUARE IMPEDIT,

- writ of, 67.

QUEEN ANNE'S BOUNTY, 77, note (g), 99.

QUI PONIT FATETUR,

- principle of, adhered to, 134.

R.

READER, 54.

RECTOR, 50.

- freehold of chancel in, 86.
- rights of, where a layman, 86, 87.
- freehold of churchyard in, 92.

RECTORIES AND VICARAGES, 51.

- history of, 67.

RELINQUISHMENT,

- deed of, 34.

REQUEST,

- letters of, 13.

RESIDENCE. *See also* PARSONAGE-HOUSE.

- official, 87, 88.
- penalty for absence, 87.
- profits of benefice may be mortgaged for repairing, 88.
- letting of, 91.

RESIGNATION

- of benefice, 35—37.
- of archbishop or bishop, 45.

RESIGNATION BONDS, 83, 84.

RIGHT OF PATRONAGE,

method of trying title to, 67—70.

transfer of, 72, 73.

registration of transfer of, 72.

whole interest in, must be transferred, 72.

transfer of, invalid, if less than twelve months since last institution, 73.

in what cases can be offered for sale by auction, 73.

certain agreements with regard to, invalid, 73, 74.

RITE, 62.

ROMAN CATHOLICS,

right to present to benefice, 79.

RURAL DEAN, 48.

RURAL DEANERIES, 10.

S.

SENTENCE, 136, 137.

SEQUESTRATION, 29, note (*n*).

on bankruptcy, 30.

benefice to become void in certain cases of, 31.

for dilapidations, 97.

as a punishment, 168.

power of bishop to licence curate on, 169.

incumbent may be inhibited during, 169.

cannot nominate to benefice during, 169.

cannot accept another benefice, 169.

powers of sequestration, 170.

SERVICE,

of writs, 131.

of citation, 131.

vis et modis, 131.

difference between personal and *vis et modis*, 131.

SEXTON, 58.

a woman may fill office, 58.

SIDE CHAPELS, 38, note (*y*).

SIMONY, 82.

purchase of an estate for life in an advowson, not, 80.

- SINECURE, 47.
- SPECIAL CASE,
under Public Worship Regulation Act, 160.
- SPECIAL LICENCE, 45.
- ST. ALBAN'S, Bishopric of, 8.
- STATUTE LAW, 5—7.
- SUBMISSION,
Acts of, 7.
- SUFFRAGANS, 46.
powers of, 46.
towns for which they may be appointed, 46, note (*t*).
- SUITS. *And see* PLEADINGS.
civil, 123.
criminal, 123.
object of suit may be changed, 125.
differences between civil and criminal suits, 127, 128.
modes of commencing, 128.
- SURPLICE FEES, 116.
- SUSPENSION, 166—168.
- SUSPENSION AB INGRESSU ECCLESIAE, 166.
- T.
- THIRTY-NINE ARTICLES,
embodied in an Act of Parliament, 7.
Court need not give definite meaning to any one of, 60.
must be read by clerk after induction, 78.
- TIMBER on glebe, 90.
- TITHE ACT, 1891...103—109.
- TITHE COMMUTATION ACTS, 102, 103, 109.
- TITHE RENT-CHARGE, 102—114.
merger of, 102.
land taken in lieu of, 103.
how recovered, 103—109.
remission of, 107—109.
right to, cannot be tried in Ecclesiastical Courts, 109.

TITHES, 100—114.

- great and small, 51, note (*y*).
- out of what payable, 100.
- lands exempted from, 100, and note (*z*), 100.
- prædial, 101.
- mixed, 101.
- personal, 101.
- great and small, 101.
- in London, 110.
- extraordinary, 110—114.
- small, how recovered, 119.

TITLE

- of priest or deacon, 29.

TRADING BY CLERGYMAN, 30, 32.

- penalty for, contrary to provisions of statute, 32.

TRANSFER OF RIGHT OF PATRONAGE, 72—74.

- registration of, 72.
- whole interest in right must be transferred, 72.
- invalid if less than twelve months since last institution, 73.
- what transfer includes, 73.
- certain agreements on transfer invalid, 74.

TRIAL,

- generally, 136.
- modes of, under Church Discipline Act, 140.
- Clergy Discipline Act, 144.
- Public Worship Regulation Act, 159.

TRURO,

- Bishopric of, 8.

U.

UNIFORMITY,

- Act of, 7, 63.

V.

VAULTS,

- faculty required for making, 21, 119.
- in disused churchyards, 22.
- fee on burial of non-parishioner in, 94.
- fees on making, 119.

VICAR, 51.

- freehold of churchyard in, 86.
- can cut timber, 90.

VICARAGES AND RECTORIES,

- history of, 67.

VISITATION,

- of archbishop, 43.
- of bishop, 45.
- of archdeacon, 50.

W.

WIDOW

- of incumbent, right to reside in parsonage-house, 92.

WINE,

- mixing with water, 61.

WITNESSES,

- attendance of, how compelled, 136.

Y.

YORK,

- province of, 8.
- bishoprics of, 8.
- archbishop, privileges of, 44, note (*g*).

A CATALOGUE

OF

LAW WORKS

PUBLISHED AND SOLD BY

STEVENS & HAYNES,

Law Publishers, Booksellers & Exporters,

13 BELL YARD, TEMPLE BAR,
LONDON.

BOOKS BOUND IN THE BEST BINDINGS.

Works in all Classes of Literature supplied to Order.

FOREIGN BOOKS IMPORTED.

LIBRARIES VALUED FOR PROBATE, PARTNERSHIP,
AND OTHER PURPOSES.

LIBRARIES OR SMALL COLLECTIONS OF BOOKS PURCHASED.

*A large Stock of Reports of the various Courts of England, Ireland,
and Scotland, always on hand.*

Catalogues and Estimates Furnished, and Orders Promptly Executed.

NOTE.—To avoid confusing our firm with any of a similar name,
we beg to notify that we have no connexion whatever with any
other house of business, and we respectfully request that Corre-
spondents will take special care to direct all communications to
the above names and address

INDEX OF SUBJECTS.

	PAGE		PAGE
ABSTRACT DRAWING—		COLONIAL LAW—	
Scott	32	Cape Colony	38
ADMINISTRATION ACTIONS—		Tarring	41
Walker and Elgood	18	COMMERCIAL AGENCY—	
ADMINISTRATORS—		Campbell	9
Walker and Elgood	6	COMMERCIAL LAW—	
ADMIRALTY LAW—		Hurst and Cecil	11
Kay	16	COMMON LAW—	
Smith	23	Indermaur	24
AFFILIATION—		COMPANIES LAW—	
Martin	7	Brice	17
ARBITRATION—		Buckley	17
Slater	7	Reilly's Reports	29
ATTORNEY AND SOLICITOR- GENERAL OF ENGLAND, Law of—		Smith	39
Norton-Kyshe	40	COMPENSATION—	
BANKRUPTCY—		Browne	19
Baldwin	37	Lloyd	13
Hazlitt	29	COMPULSORY PURCHASE—	
Indermaur (Question & Answer)	28	Browne	19
Ringwood	15, 29	CONSTABLES—	
BAR EXAMINATION JOURNAL	39	<i>See</i> POLICE GUIDE.	
BIBLIOGRAPHY	40	CONSTITUTIONAL LAW AND HISTORY—	
BILLS OF EXCHANGE—		Taswell-Langmead	21, 26
Willis	14	Thomas	28
BILLS OF LADING—		Wilshere	26
Campbell	9	CONSULAR JURISDICTION—	
Kay	16	Tarring	42
BILLS OF SALE—		CONTRACT OF SALE—	
Baldwin	37	Willis	26
Indermaur	28	CONVEYANCING—	
Ringwood	15	Copinger, Title Deeds	45
BUILDING CONTRACTS—		Deane, Principles of	23
Hudson	12	COPYRIGHT—	
CAPITAL PUNISHMENT—		Copinger	45
Copinger	42	CORPORATIONS—	
CARRIERS—		Brice	17
<i>See</i> RAILWAY LAW. SHIPMASTERS.		Browne	19
CHANCERY DIVISION, Practice of—		COSTS, Crown Office—Short	41
Brown's Edition of Snell	22	COVENANTS FOR TITLE—	
Indermaur	25	Copinger	45
Williams	7	CREW OF A SHIP—Kay	16
And <i>see</i> EQUITY.		CRIMINAL LAW—	
CHARITABLE TRUSTS—		Copinger	42
Bourchier-Chilcott	47	Harris	27
Cooke and Harwood	10	CROWN LAW—	
Whiteford	33	Hall	30
CHURCH AND CLERGY—		Kelyng	35
Brice	33	Taswell-Langmead	21
CIVIL LAW— <i>See</i> ROMAN LAW.		Thomas	28
CLUB LAW—		CROWN OFFICE RULES—	
Wertheimer	32	Short	10
CODES—Argles	32	CROWN PRACTICE—	
COLLISIONS AT SEA—Kay	16	Corner	10
		Short and Mellor	10

INDEX OF SUBJECTS—*continued.*

	PAGE		PAGE
CUSTOM AND USAGE—		GAME LAWS—	
Mayne	38	<i>See</i> MAGISTERIAL LAW.	
DAMAGES—		GLOVE LAW—	
Mayne	31	Kyshe	40
DISCOVERY—Peile	7	GUARDIAN AND WARD—	
DIVORCE—Harrison	23	Eversley	9
DOMESTIC RELATIONS—		HACKNEY CARRIAGES—	
Eversley	9	<i>See</i> MAGISTERIAL LAW.	
DOMICIL— <i>See</i> PRIVATE INTER-		HINDU LAW—	
NATIONAL LAW.		Mayne	38
DUTCH LAW	38	HISTORY—	
ECCLESIASTICAL LAW—		Taswell-Langmead	21
Brice	33	HUSBAND AND WIFE—	
Smith	23	Eversley	9
EDUCATION ACTS—		INFANTS—	
<i>See</i> MAGISTERIAL LAW.		Eversley	9
ELECTION LAW and PETITIONS—		Simpson	43
Hardcastle	33	INJUNCTIONS—	
O'Malley and Hardcastle	33	Joyce	44
Seager	47	INSURANCE—	
EQUITY—		Porter	6
Blyth	22	INTERNATIONAL LAW—	
Choyce Cases	35	Baty	19
Pemberton	32	Clarke	45
Snell	22	Cobbett	43
Story	43	Foote	36
Waite	22	INTERROGATORIES—	
Williams	7	Peile	7
EVIDENCE—		INTOXICATING LIQUORS—	
Phipson	20	<i>See</i> MAGISTERIAL LAW.	
EXAMINATION OF STUDENTS—		JOINT STOCK COMPANIES—	
Bar Examination Journal	39	<i>See</i> COMPANIES.	
Indermaur	24 and 25	JUDGMENTS AND ORDERS—	
Intermediate LL. B.	21	Pemberton	18
EXECUTIVE OFFICERS—		JUDICATURE ACTS—	
Chaster	39	Cunningham and Mattinson	7
EXECUTORS—		Indermaur	26
Walker and Elgood	6	JURISPRUDENCE—	
EXTRADITION—		Salmond	13
Clarke	45	JUSTINIAN'S INSTITUTES—	
<i>See</i> MAGISTERIAL LAW.		Campbell	47
FACTORIES—		Harris	20
<i>See</i> MAGISTERIAL LAW.		LANDS CLAUSES CONSOLIDA-	
FISHERIES—		TION ACT—	
Moore	46	Lloyd	13
<i>Also see</i> MAGISTERIAL LAW.		LATIN MAXIMS	28
FOREIGN LAW—		LEADING CASES—	
Argles	32	Common Law	25
Dutch Law	38	Constitutional Law	28
Foote	36	Equity and Conveyancing	25
FORESHORE—		International Law	43
Moore	30	LEADING STATUTES—	
FORGERY— <i>See</i> MAGISTERIAL LAW.		Thomas	28
FRAUDULENT CONVEYANCES—		LEASES—	
May	29	Copinger	45
GAIUS INSTITUTES—			
Harris	20		

INDEX OF SUBJECTS—*continued.*

	PAGE		PAGE
LEGACY AND SUCCESSION—		PARLIAMENT—	
Hanson	10	Taswell-Langmead	21
LEGITIMACY AND MARRIAGE—		Thomas	28
<i>See</i> PRIVATE INTERNATIONAL LAW.		PARTITION—	
LICENSES— <i>See</i> MAGISTERIAL LAW.		Walker	43
LIFE ASSURANCE—		PASSENGERS—	
Buckley	17	<i>See</i> MAGISTERIAL LAW.	
Reilly	29	,, RAILWAY LAW.	
LIMITATION OF ACTIONS—		PASSENGERS AT SEA—	
Banning	42	Kay	16
LOCAL LEGISLATURES—		PATENTS—	
Chaster	38	Frost	12
LUNACY—		PAWNBROKERS—	
Renton	10	<i>See</i> MAGISTERIAL LAW.	
Williams	7	PETITIONS IN CHANCERY AND	
MAGISTERIAL LAW—		LUNACY—	
Greenwood and Martin	46	Williams	7
MAINE (SIR H.), WORKS OF—		PILOTS—	
Evans' Theories and Criticisms	20	Kay	16
MAINTENANCE AND DESERTION.		POLICE GUIDE—	
Martin	7	Greenwood and Martin	46
MARRIAGE AND LEGITIMACY—		POLLUTION OF RIVERS—	
Foote	36	Higgins	30
MARRIED WOMEN'S PROPERTY ACTS—		PRACTICE BOOKS—	
Brown's Edition of Griffith	40	Bankruptcy	15, 37
MASTER AND SERVANT—		Companies Law	29 and 39
Eversley	9	Compensation	13
MERCANTILE LAW—		Compulsory Purchase	19
Campbell	9	Conveyancing	45
Duncan	33	Damages	31
Hurst and Cecil	11	Ecclesiastical Law	33
Slater	7	Election Petitions	33
<i>See</i> SHIPMASTERS.		Equity	7, 22 and 32
MINES—		Injunctions	44
Harris	47	Magisterial	46
MONEY LENDERS—		Pleading, Precedents of	7
Bellot and Willis	11	Railways and Commission	19
MORTMAIN—		Rating	19
<i>See</i> CHARITABLE TRUSTS.		Supreme Court of Judicature	25
NATIONALITY— <i>See</i> PRIVATE INTERNATIONAL LAW.		PRECEDENTS OF PLEADING—	
NEGLIGENCE—		Cunningham and Mattinson	7
Beven	8	Mattinson and Macaskie	7
Campbell	40	PRIMOGENITURE—	
NEGOTIABLE INSTRUMENTS—		Lloyd	13
Willis	14	PRINCIPAL AND SURETY—	
NEWSPAPER LIBEL—		Rowlatt	11
Elliott	14	PRINCIPLES—	
OBLIGATIONS—		Brice (Corporations)	17
Brown's Savigny	20	Browne (Rating)	19
PARENT AND CHILD—		Deane (Conveyancing)	23
Eversley	9	Harris (Criminal Law)	27
		Houston (Mercantile)	32
		Indermaur (Common Law)	24
		Joyce (Injunctions)	44
		Ringwood (Bankruptcy)	15
		Snell (Equity)	22
		PRIVATE INTERNATIONAL LAW—	
		Foote	36

INDEX OF SUBJECTS—*continued.*

	PAGE		PAGE
PROBATE—		SEA SHORE—	
Hanson	10	Hall	30
Harrison	23	Moore	30
PUBLIC WORSHIP—		SHIPMASTERS AND SEAMEN—	
Brice	33	Kay	16
QUARTER SESSIONS—		SOCIETIES—	
Smith (F. J.)	6	<i>See</i> CORPORATIONS.	
QUEEN'S BENCH DIVISION, Practice		STAGE CARRIAGES—	
of—		<i>See</i> MAGISTERIAL LAW.	
Indermaur	25	STAMP DUTIES—	
QUESTIONS FOR STUDENTS—		Copingier	45
Aldred	21	STATUTE OF LIMITATIONS—	
Bar Examination Journal	39	Banning	42
Indermaur	25	STATUTES—	
Waite	22	Hardcastle, by Craies	9
RAILWAYS—		Marcy	26
Browne	18	Thomas	28
Godefroi and Shortt	47	STOPPAGE IN TRANSITU—	
RATING—		Campbell	9
Browne	37	Houston	32
REAL PROPERTY—		Kay	16
Deane	23	STUDENTS' BOOKS	20—28, 39, 47
Edwards	16	SUCCESSION DUTIES—	
Tarring	26	Hanson	10
RECORDS—		SUCCESSION LAWS—	
Inner Temple	11	Lloyd	14
REGISTRATION—		SUPREME COURT OF JUDICA-	
Elliott (Newspaper)	14	TURE, Practice of—	
Seager (Parliamentary)	47	Indermaur	25
REPORTS—		TELEGRAPHS—	
Bellewe	34	<i>See</i> MAGISTERIAL LAW.	
Brooke	35	TITLE DEEDS—	
Choyce Cases	35	Copingier	45
Cooke	35	TORTS—	
Cunningham	34	Ringwood	13
Election Petitions	33	TRAMWAYS AND LIGHT RAIL-	
Finlason	32	WAYS—	
Gibbs, Seymour Will Case	14	Brice	19
Kelyng, John	35	TREASON—	
Kelynge, William	35	Kelyng	35
Reilly	29	Taswell-Langmead	21
Shower (Cases in Parliament)	34	TRIALS—Bartlett, A. (Murder)	32
ROMAN DUTCH LAW—		Queen <i>v.</i> Gurney	32
Van Leeuwen	38	TRUSTEES—	
Berwick	38	Easton	42
ROMAN LAW—		ULTRA VIRES—	
Brown's Analysis of Savigny	20	Brice	17
Campbell	47	VOLUNTARY CONVEYANCES—	
Harris	20	May	29
Salkowski	14	WATER COURSES—	
Whitfield	14	Higgins	30
SALVAGE—		WILLS, CONSTRUCTION OF—	
Jones	47	Gibbs, Report of Wallace <i>v.</i>	
Kay	16	Attorney-General	14
SAVINGS BANKS—		WORKING CLASSES, Housing of	
Forbes	17, 18	Lloyd	13
SCINTILLAE JURIS —			
Darling (C. J.)	18		

Third Edition, in 8vo, price 21s., cloth,

THE LAWS OF INSURANCE:

Fire, Life, Accident, and Guarantee.

EMBODYING

CASES IN THE ENGLISH, SCOTCH, IRISH, AMERICAN, AND
CANADIAN COURTS.

By JAMES BIGGS PORTER,

OF THE INNER TEMPLE, BARRISTER-AT-LAW.

ASSISTED BY

W. FEILDEN CRAIES, M.A., AND THOMAS S. LITTLE,

OF THE INNER TEMPLE, BARRISTERS-AT-LAW.

"We find little change in the scope of the book, but the cases decided since 1887, some of them are of considerable importance, together with the new Statute Law relating to the subject, have all been properly placed, and make the third edition as valuable as its predecessor. We do not hesitate to recommend this book to the continued favourable attention of the Legal profession."—*Law Journal*.

"This work, which in the present edition has been brought down to the latest date, was originally published by Mr. Porter in 1884, with the view of supplying a concise treatise on the Laws of Insurances within the compass of a moderate sized volume, and we have no hesitation in saying how excellently the author has attained that object, while overlooking or omitting nothing of importance. The book is one of great value."—*Irish Law Times*.

"The issue of a third edition calls for little more than a record of the fact, for the previous editions of the book established its reputation as a lucid and exhaustive examination of the subject dealt with. It is still, so far as we know, the only book which embraces the whole Law of Insurance (excepting marine) and the present edition is as clear and concise as ever."—*Manchester Guardian*.

"The third edition of Porter's most excellent and concise treatise on the laws relating to Insurance is now before us, and those with any knowledge of, or experience in, insurance affairs of any class or description, will know that, with the name of the author quoted, the contents will be at once inclusive, clear, concise and reliable. . . . Should certainly be on the shelves of every insurance office, and in the possession of every broker, as well as a necessary addition to a lawyer's library."—*Liverpool Journal of Commerce*.

In Royal 12mo, price 20s., cloth,

QUARTER SESSIONS PRACTICE,

A VADE MECUM OF GENERAL PRACTICE IN APPELLATE AND
CIVIL CASES AT QUARTER SESSIONS.

By FREDERICK JAMES SMITH,

OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW, AND RECORDER OF MARGATE.

Third Edition. In one volume, 8vo, price 21s., cloth,

A COMPENDIUM OF THE LAW RELATING TO

EXECUTORS AND ADMINISTRATORS, With an Appendix of
Statutes, Annotated by means of References to the Text. By W. GREGORY
WALKER, B.A., Barrister-at-Law, and EDGAR J. ELGOOD, B.C.L., M.A.,
Barrister-at-Law. Third Edition by E. J. ELGOOD, B.C.L., M.A.

"We highly approve of Mr. Walker's arrangement. . . . The Notes are full, and as far as we have been able to ascertain, carefully and accurately compiled. . . . We can commend it as bearing on its face evidence of skilful and careful labour, and we anticipate that it will be found a very acceptable substitute for the ponderous tomes of the much esteemed and valued Williams."—*Law Times*.

"Mr. Walker is fortunate in his choice of a subject, and the power of treating it succinctly; for the ponderous tomes of Williams, however satisfactory as an authority, are necessarily inconvenient for reference as well as expensive. . . . On the whole we are inclined to think the book a good and useful one."—*Law Journal*.

Second Edition, in 8vo, price 9s., cloth,

THE LAW OF MAINTENANCE AND DESERTION,
AND THE ORDERS OF THE JUSTICES THEREON. Second
Edition, including the LAW OF AFFILIATION and BASTARDY. With
an Appendix of Statutes and Forms, including the Summary Jurisdiction (Married
Women's) Act of, 1895. By TEMPLE CHEVALIER MARTIN, Chief Clerk of the
Lambeth Police Court, Editor of the "Magisterial and Police Guide," &c. and
GEORGE TEMPLE MARTIN, M.A., of Lincoln's Inn, Barrister-at-Law.

Third Edition. Crown 8vo, price 6s. 6d., cloth,

THE LAW OF ARBITRATION AND AWARDS;
With Appendix containing the STATUTES RELATING TO ARBITRA-
TION, and a collection of Forms and Index. Third Edition. By JOSHUA
SLATER, of Gray's Inn, Barrister-at-Law.

Second Edition. Crown 8vo, price 6s., cloth.

THE PRINCIPLES OF MERCANTILE LAW. By
JOSHUA SLATER, of Gray's Inn, Barrister-at-Law.

In 8vo, price 12s., cloth,

THE LAW AND PRACTICE OF DISCOVERY in
the SUPREME COURT OF JUSTICE. WITH AN APPENDIX OF FORMS,
ORDERS, &c., AND AN ADDENDA GIVING THE ALTERATIONS UNDER THE
NEW RULES OF PRACTICE. By CLARENCE J. PEILE, of the Inner Temple,
Barrister-at-Law.

In one volume, 8vo, price 18s., cloth,

THE LAW AND PRACTICE RELATING TO
PETITIONS IN CHANCERY AND LUNACY,
INCLUDING THE SETTLED ESTATES ACT, LANDS CLAUSES ACT,
TRUSTEE ACT, WINDING-UP PETITIONS, PETITIONS RELATING
TO SOLICITORS, INFANTS, ETC., ETC. WITH AN APPENDIX OF FORMS
AND PRECEDENTS. By SYDNEY E. WILLIAMS, Barrister-at-Law.

Second Edition, in 8vo, price 28s., cloth,

A SELECTION OF PRECEDENTS OF PLEADING
UNDER THE JUDICATURE ACTS IN THE COMMON LAW DIVISIONS.
With Notes explanatory of the different Causes of Action and Grounds of Defence; and
an Introductory Treatise on the Present Rules and Principles of Pleading as
illustrated by the various Decisions down to the Present Time.
By J. CUNNINGHAM and M. W. MATTINSON.

SECOND EDITION.

By MILES WALKER MATTINSON, of Gray's Inn, Barrister-at-Law, and
STUART CUNNINGHAM MACASKIE, of Gray's Inn, Barrister-at-Law.

REVIEWS.

"The notes are very pertinent and satisfactory: the introductory chapters on the present system of pleading
are excellent, and the precedents will be found very useful."—*Irish Law Times*.

"A work which, in the compass of a single portable volume, contains a brief Treatise on the Principles
and Rules of Pleading, and a carefully annotated body of Forms which have to a great extent gone through
the entirely separate sifting processes of Chambers, Court, and Judges' Chambers, cannot fail to be a most
useful companion in the Practitioner's daily routine."—*Law Magazine and Review*.

Second Edition, in two volumes, royal 8vo, price 70s., cloth,

NEGLIGENCE IN LAW

BEING THE SECOND EDITION OF "PRINCIPLES OF THE LAW OF NEGLIGENCE,"
RE-ARRANGED AND RE-WRITTEN.

By THOMAS BEVEN,

OF THE INNER TEMPLE, BARRISTER-AT-LAW; AUTHOR OF "THE LAW OF EMPLOYERS' LIABILITY
FOR THE NEGLIGENCE OF SERVANTS CAUSING INJURY TO FELLOW SERVANTS."

REVIEWS.

"These volumes, says Mr. Beven in the preface, may be regarded as a second edition of his 'Principles of the Law of Negligence,' in so far as the subjects treated of in both books are the same; and the materials collected in the one have been used without reserve in the other. As to anything beyond this, he continues, the present is a new work. The arrangement is altogether different from that previously adopted. Nearly a half of the contents of these volumes is absolutely new, and of the remainder there is very little which has not been materially modified, if not in substance, yet in expression.

"Upon its first appearance, the 'Principles of the Law of Negligence' was at once recognized as a work of the highest importance, and the ability and industry which Mr. Beven had brought to bear upon his task laid the profession under no ordinary obligation. The service which he then rendered has been greatly increased by the production of this second edition, and the book deserves a place in the first rank among authoritative expositions of the law.

"The chief characteristic of Mr. Beven's method is thoroughness. He is not himself in a hurry, and it is certainly useless for his readers to be so. The law is to be found in his pages, and, when found, it is clearly enunciated; but it is always deduced from a full and discriminating examination of multitudinous cases—English and American—and readers must be content to survey, leisurely and cautiously, with Mr. Beven, the whole field of judicial exposition, and to follow his own careful and elaborate criticism, if they would gain the full benefit of the results at which he arrives. The book is not meant to be taken up for a hasty reference, and often the lawyer may find it more convenient to resort to a treatise more concise. On the other hand, it will be an invaluable companion in the consideration of any matter which requires research, and the style and arrangement are such that, whether the book is used for purposes of business or of general study, it cannot fail to prove deeply interesting. . . .

"The above account is but a sketch of Mr. Beven's great work. It is impossible within the present limits to give an adequate idea of the variety of topics which are included, of the learning and patience with which they are discussed. Negligence may only be an aspect of the law; but the treatment here accorded to it throws into prominence a host of questions of the utmost importance, both practically and theoretically. By his contribution to the due understanding of these Mr. Beven has placed the profession under a lasting obligation, an obligation which no reader of his work will fail to realize."—*Solicitors' Journal*.

"The book upon which this is founded, and which is in a measure a former edition of the present volumes, has made Mr. Beven an authority on the subject of the law of negligence. He has, in writing these volumes, made full use of his former labours; but he claims that in reality the present work is a new one, and his claim is justified. . . . Just occasionally a well-written and ably-conceived law book is published, and such a one is this of Mr. Beven's. We think that to compare it with other books on the subject would be impossible; it stands easily the best book on the subject. In clear exposition of law, for good classification of subject-matter, for accuracy of detail, and for every arrangement to facilitate reference it cannot be beaten. We may congratulate Mr. Beven upon the accomplishment of his laborious task; he has given to the profession a valuable work, and one which will enhance his reputation as a writer on the Law of Negligence."—*Law Journal*, August 3, 1895.

"He has treated the well-known subject of Negligence in a scientific way, and has not been content with merely collecting, in more or less relevant positions, a number of cases which anyone could find for himself in any Digest of Law Reports, but has endeavoured to reduce from the chaos of decided cases a systematic study of the subject, with clear enunciations of the principles he finds governing the various decisions. In the arrangement of the book the author has been very happy in his method, a by no means easy task in the treatment of a subject in which each branch of it in reality overlaps another. . . . A good index and clear type increase the value of a book which will without doubt receive the hearty commendation of the profession as a successful completion of the author's ambitious task."—*Law Times*.

"In respect of the style of treatment of the subject, the book must be highly commended. It will be of service to every lawyer who wishes rather to get an intelligent understanding of the Law of Negligence, than merely to find correct and reliable legal propositions for practical use, and that whether he be a student or a practitioner. To the student the work is valuable for the searching and well-sustained discussion of the cases; and to the practitioner there are presented all the cases that bear on most points for which he may be in search of authority. One of the chief merits of the work is, that all the available authority on each point is collected and so arranged that it can be easily found."—*Juridical Review*.

"Contains evidence of much serious work, and ought to receive a fair trial at the hands of the profession."—*Law Quarterly Review*.

Second Edition, in royal 8vo, price 38s., cloth,

THE LAW OF THE DOMESTIC RELATIONS,

INCLUDING

HUSBAND AND WIFE: PARENT AND CHILD: GUARDIAN AND
WARD: INFANTS: AND MASTER AND SERVANT.

By WILLIAM PINDER EVERSLEY, B.C.L., M.A.,

OF THE INNER TEMPLE, BARRISTER-AT-LAW.

"We are glad to see a second edition of Mr. Eversley's useful work. There is a convenience in having the various subjects of which it treats collected in one volume, while at the same time each is handled with such fulness as to give the reader all the information he could expect in a separate volume. Mr. Eversley states the law with the most painstaking thoroughness, and has made an exhaustive survey of all the relevant statutes and cases. . . . Great care has been taken to make the present edition complete and accurate, and a very full index adds to its utility."—*Solicitors' Journal*.

"Important statutes and cases have come into operation since the first edition, and this has induced Mr. Eversley to give the contracts of married women separate treatment. Careful revision to date now makes this treatise comprehensive and thoroughly reliable."—*Law Times*.

"This is an important and almost a leading treatise on domestic law. The former edition was received with merited favour. Its value has become well known, and now, after an interval of eleven years, the learned author has brought out a second edition."—*Law Journal*.

"It is only necessary to refer to Mr. Eversley's learned and scholarlike work on 'The Domestic Relations,' a book which, though technically belonging to the forbidding ranks of 'Law Books,' is yet full of human interest, and written, moreover, in the English language."—*Edinburgh Review*.

Second Edition, in one volume, royal 8vo, price 32s., cloth,

THE LAW RELATING TO THE SALE OF GOODS AND COMMERCIAL AGENCY.

SECOND EDITION.

By ROBERT CAMPBELL, M.A.,

OF LINCOLN'S INN, BARRISTER-AT-LAW; ADVOCATE OF THE SCOTCH BAR,
AUTHOR OF THE "LAW OF NEGLIGENCE," ETC.

"An accurate, careful, and exhaustive handbook on the subject with which it deals. The excellent index deserves a special word of commendation."—*Law Quarterly Review*.

"We can, therefore, repeat what we said when reviewing the first edition—that the book is a contribution of value to the subject treated of, and that the writer deals with his subject carefully and fully."—*Law Journal*.

Third Edition, in one volume, 8vo, price 28s., cloth,

A TREATISE ON

THE CONSTRUCTION AND EFFECT OF STATUTE LAW.

WITH APPENDICES CONTAINING WORDS AND EXPRESSIONS USED IN STATUTES
WHICH HAVE BEEN JUDICIALLY OR STATUTABLY CONSTRUED, AND
THE POPULAR AND SHORT TITLES OF CERTAIN STATUTES.

By HENRY HARDCASTLE, BARRISTER-AT-LAW.

THIRD EDITION, REVISED AND ENLARGED, BY W. F. CRAIES,
BARRISTER-AT-LAW.

"The result of Mr. Craies' industry is a sound and good piece of work, the new light thrown on the subject since 1879 having been blended with the old in a thoroughly workmanlike manner. Though less a student's manual than a practitioner's text-book, it is the sort of volume an intelligent perusal of which would educate a student better than the reading of much substantial law."—*Saturday Review*.

Fourth Edition, in 8vo, price 30s., cloth,

HANSON'S DEATH DUTIES; being the Fourth Edition of the Acts relating to Estate Duty Finance, Probate, Legacy, and Succession Duties. Comprising the 36 Geo. III. c. 52; 45 Geo. III. c. 28; 55 Geo. III. c. 184; and 16 & 17 Vict. c. 51; the Customs and Inland Revenue Acts, 43 Vict. c. 14; and 44 Vict. c. 12; also the New Estate Duty Finance Acts, 57 & 58 Vict. c. 30, and 59 & 60 Vict. c. 28; with an Introduction, Copious Notes, and References to all the Decided Cases in England, Scotland, and Ireland. An Appendix and a full Index. By ALFRED HANSON, of the Middle Temple, Esq., Barrister-at-Law, Comptroller of Legacy and Succession Duties. Fourth Edition by LEWIS T. DIBDIN, M.A., D.C.L., and F. H. L. ERRINGTON, M.A., Barristers-at-Law.

"It is remarkable how surely a really good legal treatise finds favour with the Profession. The late Mr. Hanson's edition of the Acts relating to 'Estate, Probate, Legacy and Succession Duties,' is one of these. . . . The passing of the Finance Acts of 1894 and 1896 has caused the introduction of new matter. We recognise a decided improvement in the work, which we think will enhance its

reputation with the Profession, and all interested in a somewhat difficult subject."—*Law Times*.

"Of all the various treatises on the subject to which the recent Acts have given birth, the one under review strikes us as the fullest and best, and we heartily recommend it to all seeking instruction on these difficult statutes."—*Irish Law Times*.

In one Volume, royal 8vo, price 50s. net,

THE LAW AND PRACTICE IN LUNACY; with the Lunacy Acts, 1890-91 (Consolidated and Annotated); the Rules of Lunacy Commissioners; the Idiots Act, 1886; the Vacating of Seats Act, 1886; the Rules in Lunacy; the Lancashire County (Asylums and other powers) Act, 1891; the Inebriates Act, 1879 and 1888 (Consolidated and Annotated); the Criminal Lunacy Acts, 1800-1884; and a Collection of Forms, Precedents, &c. By A. WOOD RENTON, Barrister-at-Law.

In 8vo, price 30s., cloth,

THE PRACTICE ON THE CROWN SIDE

Of the Queen's Bench Division of Her Majesty's High Court of Justice

(Founded on CORNER'S CROWN OFFICE PRACTICE), including

APPEALS FROM INFERIOR COURTS; WITH APPENDICES OF RULES AND FORMS.

By F. H. SHORT, Chief Clerk of the Crown Office, and

FRANCIS HAMILTON MELLOR, M.A., Barrister-at-Law.

In 8vo, price 12s., cloth,

THE CROWN OFFICE RULES AND FORMS, 1886.

The Supreme Court of Judicature Acts and Rules of the Supreme Court, 1883, relating to the Practice on the Crown side of the Queen's Bench Division; including Appeals from Inferior Courts, Tables of Court Fees, Scales of Costs; together with Notes, Cases, and a Full Index. By F. H. SHORT, Chief Clerk of the Crown Office.

In 8vo, 1867, price 16s., cloth,

CHARITABLE TRUSTS ACTS, 1853, 1855, 1860;

THE CHARITY COMMISSIONERS' JURISDICTION ACT, 1862;

THE ROMAN CATHOLIC CHARITIES ACTS:

Together with a Collection of Statutes relating to or affecting Charities, including the Mortmain Acts, Notes of Cases from 1853 to the present time, Forms of Declarations of Trust, Conditions of Sale, and Conveyance of Charity Land, and a very copious Index. Second Edition.

By HUGH COOKE and R. G. HARWOOD, of the Charity Commission.

Just Published, Demy 8vo, 152 pp. Price 7s. 6d.

THE LAW RELATING
TO
UNCONSCIONABLE BARGAINS
WITH
MONEY-LENDERS.

INCLUDING the History of Usury to the Repeal of the Usury Laws, with Appendices, and containing a Digest of Cases, Annotated; relating to Unconscionable Bargains, Statutes, and Forms for the use of Practitioners. By HUGH H. L. BELLOT, M.A., B.C.L., and R. JAMES WILLIS, Barristers-at-Law.

INNER TEMPLE RECORDS. A Calendar of the.
Edited by F. A. Inderwick, Q.C. Vol. I., 21 Hen. VII. (1505)—45 Eliz. (1603). Vol. II., James I. (1603)—Restoration (1660). Vol. III., 12 Charles II. (1660)—12 Anne (1714). Imperial 8vo. Roxburghe binding. 1896. 20s. per vol, net.

In one Volume, 8vo, price 20s., cloth,

THE
PRINCIPLES OF COMMERCIAL LAW;
WITH AN APPENDIX OF STATUTES, ANNOTATED BY MEANS OF
REFERENCES TO THE TEXT.

By JOSEPH HURST AND LORD ROBERT CECIL,

OF THE INNER TEMPLE, BARRISTERS-AT-LAW.

"Their compendium, we believe, will be found a really useful volume, one for the lawyer and the business man to keep at his elbow, and which, if not giving them all that they require, will place in their hands the key to the richer and more elaborate treasures of the Law which lie in larger and more exhaustive works."—*Law Times*.

"The object of the authors of this work, they tell us in their preface, is to state, within a moderate compass, the principles of commercial law. Very considerable pains have obviously been expended on the task, and the book is in many respects a very serviceable one."—*Law Journal*.

In 8vo, price 16s.,

THE LAW OF PRINCIPAL AND SURETY.

By S. A. T. ROWLATT, M.A.,

LATE FELLOW OF KING'S COLLEGE, CAMBRIDGE; OF THE INNER TEMPLE, BARRISTER-AT-LAW.

"... Here will be found all the rights and liabilities of the surety, his defences, his releases, the effect of bankruptcy, and so on; and as we said at the outset, the index forms a most excellent and comprehensive guide to the text. . . . We can quite believe that this text-book will take a respectable place among legal authorities."—*Law Times*.

"He brings out fully in all its ramifications the nature of the law of guarantee."—*Saturday Review*.

"Few branches of the law are more important or difficult than that relating to sureties. The latest addition to legal literature is a treatise by Mr. S. A. T. Rowlatt on 'The Law of Principal and Surety,' which deals with the subject both exhaustively and ably. The work is excellent in style and arrangement, and ought to prove very useful to every lawyer who has occasion to refer to it."—*Globe*.

"There are too many works on most branches of the English Law, and too many writers eager to make books on almost every legal subject, however small. It is, therefore, a remarkable fact that a subject so important as the Law of Sureties has been comparatively neglected, there being only one recent work of repute devoted entirely to the subject. For this reason we welcome Mr. Rowlatt's treatise, which has solid merits that ought to insure success. The book is a very good one, and the author may be congratulated on the successful accomplishment of a difficult task."—*Law Journal*.

Second Edition. In royal 8vo, price 30s., cloth,

A TREATISE ON THE
LAW AND PRACTICE
 RELATING TO
LETTERS PATENT FOR INVENTIONS.

WITH AN
 APPENDIX OF STATUTES, INTERNATIONAL CONVENTION,
 RULES, FORMS AND PRECEDENTS, ORDERS, &c.

By ROBERT FROST, B.Sc. (LOND.),

FELLOW OF THE CHEMICAL SOCIETY; OF LINCOLN'S INN, ESQUIRE, BARRISTER-AT-LAW.

"In our view a good piece of work may create a demand, and without disparaging existing literature upon the subject of patents, we think the care and skill with which the volume by Mr. Frost has been compiled entitles it to recognition at the hands of the profession. . . . Judging Mr. Frost on this ground, we find him completely satisfactory. A careful examination of the entire volume satisfies us that great care and much labour have been devoted to the production of this treatise, and we think that patent agents, solicitors, the bar and the bench, may confidently turn for guidance and instruction to the pages of Mr. Frost."—*Law Times*.

"Few practice books contain so much in so reasonable a space, and we repeat that it will be found generally useful by practitioners in this important branch of the law. . . . A capital index concludes the book."—*Law Journal*.

"The book is, as it professes to be, a treatise on patent law and practice, the several topics being conveniently arranged and discussed in the thirteen chapters which form the body of the work, to which are appended statutes, rules, and forms. The statements of the law, so far as we have been able to test them, appear to be clear and accurate, and the author's style is pleasant and good. . . . The book is a good one, and will make its way. The index is better than usual. Both paper and type are also excellent."—*Solicitors' Journal*.

Second Edition. In two volumes, royal 8vo, price 50s., cloth,

A PRACTICAL TREATISE ON THE
**LAW OF BUILDING AND
 ENGINEERING CONTRACTS,**

AND OF THE DUTIES AND LIABILITIES OF ENGINEERS, ARCHITECTS,
 SURVEYORS AND VALUERS,

WITH AN APPENDIX OF PRECEDENTS,

ANNOTATED BY MEANS OF REFERENCE TO THE TEXT AND TO CONTRACTS
 IN USE.

AND AN APPENDIX OF UNREPORTED CASES
 ON BUILDING AND ENGINEERING CONTRACTS.

By ALFRED A. HUDSON,

OF THE INNER TEMPLE, BARRISTER-AT-LAW.

"This is a book of great elaboration and completeness. It appears from the preface that the author has the twofold qualification of technical knowledge of building, gained as an architect, and devotion to the legal aspects of building, engineering, and shipbuilding contracts since he became a member of the bar. . . . The list of cases cited covers fifty large pages, and they include, not merely English, but American and Colonial decisions. . . . The book as a whole represents a large amount of well-directed labour, and it ought to become the standard work on its subject."—*Solicitors' Journal*.

"A very full index completes the book. Mr. Hudson has struck out a new line for himself, and produced a work of considerable merit, and one which will probably be found indispensable by practitioners, inasmuch as it contains a great deal that is not to be found elsewhere. The Table of Cases refers to all the reports."—*Law Journal*.

"Mr. Hudson, having abandoned his profession of an architect to become a barrister, hit upon the idea of writing this work, and he has done it with a thoroughness which every houseowner would like to see bestowed upon modern houses. . . . The Index and Table of Cases reveal a vast amount of industry expended upon detail, and we shall be much surprised if Mr. Hudson does not reap the reward of his labours by obtaining a large and appreciative public."—*Law Times*.

Third Edition. In 8vo, price 10s. 6d., cloth,

OUTLINES OF THE LAW OF TORTS.

By RICHARD RINGWOOD, M.A.,

OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW; AUTHOR OF "PRINCIPLES OF BANKRUPTCY," &C.,
AND LECTURER ON COMMON LAW TO THE INCORPORATED LAW SOCIETY.

"We have always had a great liking for this work, and are very pleased to see by the appearance of a new Edition that it is appreciated by students. We consider that for the ordinary student who wants to take up a separate work on Torts, this is the best book he can read, for it is clear and explanatory, and has good illustrative cases, and it is all contained in a very modest compass. . . . This Edition appears to have been thoroughly revised, and is, we think, in many respects improved."—*Law Students' Journal*.

"The work is one we well recommend to law students, and the able way in which it is written reflects much credit upon the author."—*Law Times*.

"Mr. Ringwood's book is a plain and straightforward introduction to this branch of the law."—*Law Journal*.

* * * Prescribed as a text-book by the Incorporated Law Society of Ireland.

Sixth Edition, in 8vo, price 21s., cloth,

THE LAW OF COMPENSATION FOR LANDS, HOUSES, &c.

UNDER THE LANDS CLAUSES CONSOLIDATION ACTS, THE RAILWAYS
CLAUSES CONSOLIDATION ACTS, THE PUBLIC HEALTH ACT, 1875;
THE HOUSING OF THE WORKING CLASSES ACT, 1890;
THE METROPOLIS LOCAL MANAGEMENT ACT,
AND OTHER ACTS,

WITH A FULL COLLECTION OF FORMS AND PRECEDENTS.

By EYRE LLOYD,

OF THE INNER TEMPLE, BARRISTER-AT-LAW.

SIXTH EDITION.

By W. J. BROOKS,

OF THE INNER TEMPLE, BARRISTER-AT-LAW.

"In providing the legal profession with a book which contains the decisions of the Courts of Law and Equity upon the various statutes relating to the Law of Compensation, Mr. Eyre Lloyd has long since left all competitors in the distance, and his book may now be considered the standard work upon the subject. The plan of Mr. Lloyd's book is generally known, and its lucidity is appreciated; the present quite fulfils all the promises of the preceding editions, and contains in addition to other matter a complete set of forms under the Artizans and Labourers Act, 1875, and specimens of Bills of Costs, which will be found a novel feature, extremely useful to legal practitioners."—JUSTICE OF THE PEACE.

In crown 8vo, price 6s., cloth,

ESSAYS IN JURISPRUDENCE AND LEGAL HISTORY.

By JOHN W. SALMOND, M.A., LL.B. (LOND.),

A BARRISTER OF THE SUPREME COURT OF NEW ZEALAND.

In demy 8vo, price 18s., net, cloth.

JURISPRUDENCE; OR, THEORY OF THE LAW.

By JOHN W. SALMOND, M.A., LL.B.,

BARRISTER-AT-LAW; AUTHOR OF "ESSAYS IN JURISPRUDENCE AND LEGAL HISTORY."

Second Edition, in 8vo, price 7s. 6d., cloth,

THE LAW OF NEGOTIABLE SECURITIES.

CONTAINED IN A COURSE OF SIX LECTURES.

DELIVERED BY WILLIAM WILLIS, Esq., K.C.,

AT THE REQUEST OF

THE COUNCIL OF LEGAL EDUCATION.

"No one can fail to benefit by a careful perusal of this volume."—*Irish Law Times*.

"We heartily commend them, not only to the student, but to everybody—lawyer and commercial man alike."—*The Accountant*.

"Mr. Willis is an authority second to none on the subject, and in these lectures he summarizes for the benefit not only of his confidères but of the lay public the knowledge he has gained through close study and lengthy experience."

In one large vol., 8vo, price 32s., cloth,

INSTITUTES AND HISTORY OF ROMAN PRIVATE LAW, WITH CATENA OF TEXTS.

BY DR. CARL SALKOWSKI, Professor of Laws, Königsberg.

Translated and Edited by E. E. WHITFIELD, M.A. (Oxon.).

In 8vo, price 4s. 6d., cloth,

THE NEWSPAPER LIBEL AND REGISTRATION ACT, 1881.

WITH A STATEMENT OF THE LAW OF LIBEL AS AFFECTING
PROPRIETORS, PUBLISHERS, AND EDITORS OF NEWSPAPERS.

By G. ELLIOTT, Barrister-at-Law, of the Inner Temple.

In 8vo, price 7s., cloth,

THE SUCCESSION LAWS OF CHRISTIAN COUNTRIES, WITH SPECIAL REFERENCE TO THE LAW OF PRIMOGENITURE AS IT EXISTS IN ENGLAND.

By EYRE LLOYD, B.A., Barrister-at-Law.

In royal 8vo, 1877, price 10s., cloth,

THE CASE OF LORD HENRY SEYMOUR'S WILL (WALLACE v. THE ATTORNEY-GENERAL).

Reported by FREDERICK WAYMOUTH GIBBS, C.B., Barrister-at-Law,
LATE FELLOW OF TRINITY COLLEGE, CAMBRIDGE.

Eighth Edition, in 8vo, price 10s. 6d., cloth,

THE PRINCIPLES OF BANKRUPTCY.

EMBODYING

The Bankruptcy Acts, 1883 and 1890, and the Leading Cases thereon ;

Part of the Debtors Act, 1869 ;

The Bankruptcy Appeals (County Courts) Act, 1884 ;

The Bankruptcy (Discharge and Closure) Act, 1887 ;

The Preferential Payments in Bankruptcy Acts, 1888 & 1897 :

WITH AN APPENDIX

CONTAINING

THE SCHEDULES TO THE BANKRUPTCY ACT, 1883 ;

The Bankruptcy Rules, 1886, 1890, and 1891 ;

THE RULES AS TO THE COMMITTAL OF JUDGMENT DEBTORS,
AND AS TO ADMINISTRATION ORDERS ;

REGULATIONS ISSUED BY THE BANKRUPTCY JUDGE ;

A SCALE OF COSTS, FEES AND PERCENTAGES ;

The Bills of Sale Acts, 1878, 1882, 1890, and 1891,

AND THE RULES THEREUNDER ;

THE DEEDS OF ARRANGEMENT ACT, 1887 ;

AND THE RULES THEREUNDER.

BY RICHARD RINGWOOD, M.A.,

OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW ; LATE SCHOLAR OF TRINITY COLLEGE, DUBLIN.

"We welcome a new edition of this excellent student's book. We have written favourably of it in reviewing previous editions, and every good word we have written we would now reiterate and perhaps even more so. . . . In conclusion, we congratulate Mr. Ringwood on this edition, and have no hesitation in saying that it is a capital student's book."—*Law Students' Journal*.

"This edition is a considerable improvement on the first, and although chiefly written for the use of Students, the work will be found useful to the practitioner."—*Law Times*.

"Mr. Ringwood's book has now been in existence for several years, and has always enjoyed the favour of those for whom it was written. The new edition—which, fortunately, is not enlarged—will be found equally suitable with those which it follows for the purposes for which it is written, and, moreover, is quite up to date."—*Law Journal*.

"The author deals with the whole history of a bankruptcy from the initial act of bankruptcy down to the discharge of the bankrupt, and a cursory perusal of his work gives the impression that the book will prove useful to practitioners as well as to students. The appendix also contains much matter that will be useful to practitioners, including the Schedules, the Bankruptcy Rules of 1886, 1890 and 1891, the Rules of the Supreme Court as to Bills of Sale, and various Acts of Parliament bearing upon the subject. The Index is copious."—*Accountant's Magazine*.

Third Edition, in one vol., price 20s., cloth,

A COMPENDIUM OF THE LAW OF PROPERTY IN LAND.

FOR THE USE OF STUDENTS AND THE PROFESSION.

THIRD EDITION WITH ADDENDA, GIVING THE LAND TRANSFER ACT, 1897, WITH REFERENCES TO THE TEXT.

By WILLIAM DOUGLAS EDWARDS, LL.B.,

OF LINCOLN'S INN, BARRISTER-AT-LAW.

"Mr. Edwards' treatise on the Law of Real Property is marked by excellency of arrangement and conciseness of statement. . . . We are glad to see, by the appearance of successive editions, that the merits of the book are appreciated."—*Solicitors' Journal*.

"So excellent is the arrangement that we know of no better compendium upon the subject of which it treats."—*Law Times*.

"We welcome the third edition of Mr. Edwards' book. It has by this time secured a first place amongst students' books on Real Property, both by its admirable arrangement of topics and by the clearness of its statements. The present edition incorporates the Statutes and Cases for 1896."—*Cambridge Review*.

"An established place in legal literature is occupied by Mr. W. D. Edwards' 'Compendium of the Law of Property in Land,' the third edition of which has just been published."—*The Globe*.

"We consider it one of the best works published on Real Property Law."—*Law Students' Journal*.

"Another excellent compendium which has entered a second edition is Mr. Edwards' 'Compendium of the Law of Property in Land.' No work on English law is written more perspicuously."—*Law Times*.

"The author has the merit of being a sound lawyer, a merit perhaps not always possessed by the authors of legal text-books for students."—*Law Quarterly Review*.

"Altogether it is a work for which we are indebted to the author, and is worthy of the improved notions of law which the study of jurisprudence is bringing to the front."—*Solicitors' Journal*.

Second Edition, with Supplement, in royal 8vo, price 46s., cloth.

THE LAW RELATING TO

SHIPMASTERS AND SEAMEN.

THEIR APPOINTMENT, DUTIES, POWERS, RIGHTS, LIABILITIES, AND REMEDIES.

By THE LATE JOSEPH KAY, Esq., M.A., Q.C.

Second Edition.

WITH A SUPPLEMENT

Comprising THE MERCHANT SHIPPING ACT, 1894, The Rules of Court made thereunder, and the (proposed) Regulations for Preventing Collisions at Sea.

By THE HON. J. W. MANSFIELD, M.A., AND

G. W. DUNCAN, Esq., B.A.,

OF THE INNER TEMPLE, BARRISTERS-AT-LAW.

REVIEWS OF THE SECOND EDITION:

"It will, however, be a valuable book of reference for any lawyer desiring to look up a point connected with the rights and duties of a shipmaster or a seaman—the list of cases cited covers nearly seventy pages—while any shipmaster, shipagent or consul who masters this edition will be well posted up. . . . We hope this new Edition will be quickly appreciated, for the

Editors have carried out an arduous task carefully and well."—*Law Journal*, April, 1894.

"It has had practical and expert knowledge brought to bear upon it, while the case law is brought down to a very late date. Considerable improvement has been made in the index."—*Law Times*, April, 1894.

In royal 8vo, price 10s. 6d., cloth,

THE MERCHANT SHIPPING ACT, 1894;

With the Rules of Court made thereunder. Being a Supplement to KAY'S LAW RELATING TO SHIPMASTERS AND SEAMEN. To which are added the (proposed) Regulations for Preventing Collisions at Sea. With Notes. By Hon. J. W. MANSFIELD, M.A., and G. W. DUNCAN, B.A., of the Inner Temple, Barristers-at-Law.

Eighth Edition, in royal 8vo, price 36s., cloth,

BUCKLEY ON THE COMPANIES ACTS.

THE LAW AND PRACTICE UNDER THE COMPANIES ACTS, 1862 TO 1900; AND
THE LIFE ASSURANCE COMPANIES ACTS, 1870 TO 1872; INCLUDING
THE COMPANIES (MEMORANDUM OF ASSOCIATION) ACT;
THE COMPANIES (WINDING-UP) ACT, AND THE
DIRECTORS' LIABILITY ACT.

A Treatise on the Law of Joint Stock Companies.

CONTAINING THE STATUTES, WITH THE RULES, ORDERS, AND
FORMS, TO REGULATE PROCEEDINGS.

EIGHTH EDITION BY

A. C. CLAUSON, Esq., M.A.,

OF LINCOLN'S INN, BARRISTER-AT-LAW.

Third Edition, royal 8vo, price 38s., cloth,

THE

LAW OF CORPORATIONS AND COMPANIES.

A TREATISE ON THE DOCTRINE OF

ULTRA VIRES:

BEING

An Investigation of the Principles which Limit the Capacities, Powers, and Liabilities of
CORPORATIONS,

AND MORE ESPECIALLY OF

JOINT STOCK COMPANIES.

By SEWARD BRICE, M.A., LL.D., LONDON,

OF THE INNER TEMPLE, ONE OF HIS MAJESTY'S COUNSEL.

THIRD EDITION.

REVISED THROUGHOUT AND ENLARGED, AND CONTAINING THE
UNITED STATES AND COLONIAL DECISIONS.

REVIEWS.

"... On the whole, we consider Mr. Brice's exhaustive work a valuable addition to the literature of the profession."—SATURDAY REVIEW.

"It is the Law of Corporations that Mr. Brice treats of (and treats of more fully, and at the same time more scientifically, than any work with which we are acquainted), not the law of principal and agent; and Mr. Brice does not do his book justice by giving it so vague a title."—*Law Journal*.

"On this doctrine, first introduced in the Common Law Courts in *East Anglian Railway Co. v. Eastern Counties Railway Co.*, BRICE ON ULTRA VIRES may be read with advantage."—*Judgment of LORD JUSTICE BRAMWELL, in the Case of Evershed v. L. & N. W. Ry. Co.* (L. R., 3 Q. B. Div. 141).

In demy 12mo, price 6s., cloth,

THE LAW OF SAVINGS BANKS SINCE 1878;

With a Digest of Decisions made by the Chief Registrar and Assistant Registrars of Friendly Societies from 1878 to 1882, being a Supplement to the Law relating to Trustee and Post Office Savings Banks.

By U. A. FORBES, of Lincoln's Inn, Barrister-at-Law.

* * * The complete work can be had, price 10s. 6d., cloth.

Fourth Edition, in royal 8vo, price 40s., cloth,

THE JUDGMENTS, ORDERS, AND PRACTICE OF THE SUPREME COURT,

CHIEFLY in RESPECT to ACTIONS ASSIGNED to the CHANCERY DIVISION.

By LOFTUS LEIGH PEMBERTON,

One of the registrars of the Supreme Court of Judicature; and Author of "The Practice in Equity by way of Revivor and Supplement."

"The work under notice ought to be of considerable service to the profession. . . . The forms throughout the work—and they are the most important element in it—appear to us to be accurate, and of the most approved type. This fact alone will commend the new edition to practitioners in the Chancery Division. There is a useful table of the Lord Chancellors and Judges at the beginning of the book, and a very full index concludes it."—*Law Times*.

In demy 12mo, price 5s.,

THE STATUTORY LAW RELATING TO TRUSTEE

SAVINGS BANKS (1863—1891), together with the Treasury Regulations (1888—1889), and the Scheme for the Appointment of the Inspection Committee of Trustee Savings Banks. By URQUHART A. FORBES, of Lincoln's Inn, Esq., Barrister-at-Law, Author of "The Law Relating to Savings Banks"; the "Law of Savings Banks since 1878"; and joint Author of "The Law Relating to Water."

In 8vo, price 15s., cloth,

THE LAW AND PRACTICE RELATING TO

THE ADMINISTRATION OF DECEASED PERSONS

BY THE CHANCERY DIVISION OF THE HIGH COURT OF JUSTICE;

WITH AN ADDENDA giving the alterations effected by the NEW RULES of 1883,

AND AN APPENDIX OF ORDERS AND FORMS, ANNOTATED BY
REFERENCES TO THE TEXT.

By W. GREGORY WALKER and EDGAR J. ELGOOD,

OF LINCOLN'S INN, BARRISTERS-AT-LAW.

In one volume, 8vo, 1875, price 18s., cloth,

THE PRACTICE BEFORE THE RAILWAY COMMISSIONERS

UNDER THE REGULATION OF RAILWAY ACTS, 1873 & 1874;

With the Amended General Orders of the Commissioners, Schedule of Forms, and Table of Fees: together with the Law of Undue Preference, the Law of the Jurisdiction of the Railway Commissioners, Notes of their Decisions and Orders, Precedents of Forms of Applications, Answers and Replies, and Appendices of Statutes and Cases.

By J. H. BALFOUR BROWNE,

OF THE MIDDLE TEMPLE, K.C.

In foolscap 8vo, superfine paper, bound in Vellum.

* * * *A limited number of copies have been printed upon large paper.*

SCINTILLAE JURIS.

By CHARLES J. DARLING, Q.C., M.P. With a Frontispiece and Colophon by
FRANK LOCKWOOD, Q.C., M.P. Fourth Edition (Enlarged).

"'Scintillae Juris' is that little bundle of humorous essays on law and cognate matters which, since the day of its first appearance, some years ago, has been the delight of legal circles. . . . It has a quality of style which suggests much study of Bacon in his lighter vein. Its best essays would not be unworthy of the Essays, and if read out, one by one, before a blindfolded *connoisseur*, might often be assigned to that wonderful book."—*Daily News*.

Now ready, Second Edition, in royal 8vo, price 18s. net, cloth.

THE LAW SPECIALLY RELATING TO TRAMWAYS AND LIGHT RAILWAYS:

AND CONTAINING

THE TRAMWAYS ACT, 1870, AND THE BOARD OF TRADE RULES AND REGULATIONS
RELATING TO TRAMWAYS, WITH NOTES; AND THE LIGHT RAILWAYS
ACT, 1896, AND THE BOARD OF TRADE RULES AND REGULATIONS
RELATING TO LIGHT RAILWAYS, WITH NOTES;
AND A FULL COLLECTION OF PRECEDENTS.

By SEWARD BRICE, M.A., LL.D., LONDON,

ONE OF HIS MAJESTY'S COUNSEL,

Author of "A Treatise on the Doctrine of Ultra Vires," &c.,

AND

B. J. LEVERSON,

OF THE INNER TEMPLE, BARRISTER-AT-LAW.

" . . . The book is one which will be found thoroughly reliable; the volume is altogether abreast of the decisions, and is a perfectly modern exposition of the subject of which it treats."—*Law Times*.

" . . . Mr. Seward Brice has, as it might have been expected, dealt extremely well with the parts of his subject which concern the constitution, powers and liabilities of tramway companies, and his chapter on finance is good."—*Law Journal*.

"The book is well arranged and clearly written. . . . Altogether we may say that the book leaves nothing to be desired to constitute a useful and reliable text-book upon an important branch of the law."—*Irish Law Times*.

Now ready. Demy 8vo. 5s. net.

INTERNATIONAL LAW IN SOUTH AFRICA,

INCLUDING THE FOLLOWING SUBJECTS:

CONTRABAND FOR NEUTRAL PORTS, SUZERAINTY, PASSAGE OF TROOPS OVER
NEUTRAL TERRITORY, CONDUCT OF WARFARE, ANNEXATION, LIMITED
COMPANIES IN THE WAR, WITH A COMPARATIVE SUMMARY OF
THE TRANSVAAL CONVENTIONS OF 1881 AND 1884,

By TH. BATY, B.C.L., Barrister-at-Law.

"Six brief essays on aspects of International Law are here presented touching the points arising for settlement in South Africa. . . . The collocation of interesting fragments and curious information is apparent, but principles are also enunciated, and the little work will be of considerable value at the present epoch. . . . Persons whose ideas of legitimate warfare have been shocked and confused by the extraordinary language of some newspaper correspondents and the irrational attitude of part of the Press, will find in this book food for thought and reflection; it ought to be widely read."—*Law Times*.

"The author is to be congratulated on having produced a most interesting and readable book on an important subject. No Member of Parliament should be allowed to speak on the war unless he has read Mr. Baty's book."—*Law Notes*.

"Mr. Baty's treatment is full, clear, and fresh, and well worthy of the attention of students of International Law. The concluding chapters on 'Annexation,' and 'Limited Companies in the War' are particularly good as well as logical. Mr. Baty gives an interesting and useful comparative summary of the Transvaal Conventions of 1881 and 1884."—*Law Journal*.

In 8vo, 1876, price 7s. 6d., cloth,

ON THE COMPULSORY PURCHASE OF THE UNDERTAKINGS OF COMPANIES BY CORPORATIONS,

And the Practice in Relation to the Passage of Bills for Compulsory Purchase through Parliament. By J. H. BALFOUR BROWNE, of the Middle Temple, K.C.

Now ready, Third Edition, in crown 8vo, price 14s., cloth.

THE LAW OF EVIDENCE.

By S. L. PHIPSON, M.A., of the Inner Temple, Barrister-at-Law.

"This is a very compendious and accurate volume on a subject which we fear is not studied as much as it should be. The arrangement is excellent, illustrations and examples being given in parallel columns. Its success is thoroughly justified."—*Law Times*.

"The work is compact yet reasonably full, and the rules of law are accompanied by a large number of well-chosen illustrations. The book is somewhat longer than its predecessor, the text being amplified, the index enlarged, and the number of cases cited considerably increased."—*Law Journal*.

"This second edition of Mr. Phipson's work seems to have been brought down to date with great care, and to have the English and Irish cases carefully collated. . . . The author's mode of contrasting in parallel columns the decisions for or against a particular question, or drawing nice distinctions, can hardly be excelled. The author seems to have succeeded in producing a book handy in size, easy of reference, and replete with information."—*Irish Law Times*.

In 8vo, price 5s., cloth,

THEORIES AND CRITICISMS OF SIR HENRY MAINE.

By MORGAN O. EVANS, Barrister-at-Law.

Contained in his six works, "Ancient Law," "Early Law and Customs," "Early History of Institutions," "Village Communities," "International Law," and "Popular Government," which works have to be studied for the various examinations.

In 8vo, 1872, price 7s. 6d., cloth,

AN EPITOME AND ANALYSIS OF

SAVIGNY'S TREATISE ON OBLIGATIONS IN ROMAN LAW.

By ARCHIBALD BROWN, M.A.,

EDIN. AND OXON., AND B.C.L. OXON., OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW.

"Mr. Archibald Brown deserves the thanks of all interested in the science of Law, whether as a study or a practice, for his edition of Herr von Savigny's great work on 'Obligations.' Mr. Brown has undertaken a double task—the translation of his author, and the analysis of his author's matter. That he has succeeded in reducing the bulk of the original will be seen at a glance ;

the French translation consisting of two volumes, with some five hundred pages apiece, as compared with Mr. Brown's thin volume of a hundred and fifty pages. At the same time the pith of Von Savigny's matter seems to be very successfully preserved, nothing which might be useful to the English reader being apparently omitted."—*Law Journal*.

THE ELEMENTS OF ROMAN LAW.

Third Edition, in crown 8vo, 6s.

A CONCISE DIGEST OF THE

INSTITUTES OF GAIUS AND JUSTINIAN.

With copious References arranged in Parallel Columns, also Chronological and Analytical Tables, Lists of Laws, &c. &c.

Primarily designed for the Use of Students preparing for Examination at Oxford, Cambridge, and the Inns of Court.

By SEYMOUR F. HARRIS, B.C.L., M.A.,

WORCESTER COLLEGE, OXFORD, AND THE INNER TEMPLE, BARRISTER-AT-LAW,
AUTHOR OF "UNIVERSITIES AND LEGAL EDUCATION."

"This book contains a summary in English of the elements of Roman Law as contained in the works of Gaius and Justinian, and is so arranged that the reader can at once see what are the opinions of either of these two writers on each point. From the very exact and accurate references to titles and sections given he can at once refer to the original writers. The concise manner in which Mr. Harris has arranged his digest will render it most useful, not only to the students for whom it was originally written, but also to those persons who, though they have not the time to wade through the larger treatises of Poste, Sanders, Ortolan, and others, yet desire to obtain some knowledge of Roman Law."—*OXFORD AND CAMBRIDGE UNDERGRADUATES' JOURNAL*.

Fifth Edition, in crown 8vo, price 15s., cloth,

ENGLISH CONSTITUTIONAL HISTORY:

FROM THE TEUTONIC INVASION TO THE PRESENT TIME.

Designed as a Text-book for Students and others,

By T. P. TASWELL-LANGMEAD, B.C.L.,

OF LINCOLN'S INN, BARRISTER-AT-LAW, FORMERLY VINERIAN SCHOLAR IN THE UNIVERSITY
AND LATE PROFESSOR OF CONSTITUTIONAL LAW AND HISTORY,
UNIVERSITY COLLEGE, LONDON.

Fifth Edition, Revised throughout, with Notes,

By PHILIP A. ASHWORTH,

BARRISTER-AT-LAW; TRANSLATOR OF GNEIST'S "HISTORY OF THE ENGLISH CONSTITUTION."

"We heartily commend this valuable book to the study of all, whether Conservative or Liberal in politics, who desire to take an intelligent part in public life."—*The New Saturday*.

"'Taswell-Langmead' has long been popular with candidates for examination in Constitutional History, and the present edition should render it even more so. It is now, in our opinion, the ideal students' book upon the subject."—*Law Notes*.

"Mr. Carmichael has performed his allotted task with credit to himself, and the high standard of excellence attained by Taswell-Langmead's treatise is worthily maintained. This, the third edition, will be found as useful as its predecessors to the large class of readers and students who seek in its pages accurate knowledge of the history of the constitution."—*Law Times*.

"To the student of constitutional law this work will be invaluable." . . . The book is remarkable for the raciness and vigour of its style. The editorial contributions of Mr. Carmichael are judicious, and add much to the value of the work."—*Scottish Law Review*.

"The work will continue to hold the field as the best class-book on the subject."—*Contemporary Review*.

"The book is well known as an admirable introduction to the study of constitutional law for students at law. . . . Mr. Carmichael appears to have done the work of editing, made necessary by the death of Mr. Taswell-Langmead, with care and judgment."—*Law Journal*.

"The work before us it would be hardly possible to praise too highly. In style, arrangement, clearness, and size, it would be difficult to find anything better on the real history of England, the history of its constitutional growth as a complete story, than this volume."—*Boston (U.S.) Literary World*.

"As it now stands, we should find it hard to name a better text-book on English Constitutional History."—*Solicitors' Journal*.

"Mr. Taswell-Langmead's compendium of the rise and development of the English Constitution has evidently supplied a want. . . . The present Edition is greatly improved. . . . We have no hesitation in saying that it is a thoroughly good and useful work."—*Spectator*.

"It is a safe, careful, praiseworthy digest and manual of all constitutional history and law."—*Globe*.

"The volume on English Constitutional History, by Mr. Taswell-Langmead, is exactly what such a history should be."—*Standard*.

"Mr. Taswell-Langmead has thoroughly grasped the bearings of his subject. It is, however, in dealing with that chief subject of constitutional history—parliamentary government—that the work exhibits its great superiority over its rivals."—*Academy*.

Second Edition, in 8vo, price 6s., cloth,

HANDBOOK TO THE INTERMEDIATE AND FINAL LL.B. OF LONDON UNIVERSITY;

(PASS AND HONOURS)

INCLUDING A COMPLETE SUMMARY OF "AUSTIN'S JURISPRUDENCE,"
AND THE EXAMINATION PAPERS OF LATE YEARS IN ALL BRANCHES.

By a B.A., LL.B. (Lond.).

In crown 8vo, price 3s.; or Interleaved for Notes, price 4s.,

CONTRACT LAW.

QUESTIONS ON THE LAW OF CONTRACTS. WITH NOTES TO THE
ANSWERS. Founded on "Anson," "Chitty," and "Pollock."

By PHILIP FOSTER ALDRED, D.C.L., Hertford College and Gray's Inn.

Thirteenth Edition, in 8vo, price 21s., cloth,

THE PRINCIPLES OF EQUITY.

INTENDED FOR THE USE OF STUDENTS AND THE PROFESSION.

By EDMUND H. T. SNELL,

OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW.

THIRTEENTH EDITION.

By ARCHIBALD BROWN, M.A. EDIN. & OXON., & B.C.L. OXON.,

OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW; AUTHOR OF "A NEW LAW DICTIONARY,"
"AN ANALYSIS OF SAVIGNY ON OBLIGATIONS," AND THE "LAW OF FIXTURES."

REVIEWS.

"The Twelfth Edition of this work will be welcomed. . . . The book is now a standard work on the 'Principles of Equity,' and we suppose that very few aspirants for the Bar and the Rolls present themselves for examination without reading the book more than once. . . . There is no book on Equity which can come near 'Snell.'"—*Law Notes*.

"'Snell' remains, as it has been for a generation, the indisputable introduction to the study of Equity."—*Oxford Magazine*.

"The fact that 'Snell's Principles of Equity' has reached the Twelfth Edition is in itself sufficient to show the warm approval of the profession. It is a wonderful compendium of Equity Principles, so arranged as to lead the reader steadily on from simpler to more abstruse questions; and is most useful, not only to the student, but also to the barrister in his every-day work."—*Irish Law Times*.

"The student who has mastered 'Snell' will know as much about Equity as most practitioners, and more than some. . . . This edition appears to have been brought well up to date. It is, moreover, furnished with an excellent index. This is fortunate, as 'Snell' holds the field as a treatise on Equity."—*Law Journal*.

"This is the Eighth Edition of this student's text-book which the present editor has brought out. . . . the book is a good introduction to Equity, and is additionally useful by having a full index."—*Solicitors' Journal*.

"Whether to the beginner in the study of the principles of Equity, or to the practising lawyer in the hurry of work, it can be unhesitatingly recommended as a standard and invaluable treatise."—*Cambridge Review*.

"This is now unquestionably the standard book on Equity for students."—*Saturday Review*.

"We know of no better introduction to the Principles of Equity."—
CANADA LAW JOURNAL.

Seventh Edition, in the press, in 8vo, price 6s., cloth,

AN ANALYSIS OF SNELL'S PRINCIPLES OF EQUITY.

FOUNDED ON THE THIRTEENTH EDITION. With Notes thereon. By E. E. BLYTH, LL.D., Solicitor.

"Mr. Blyth's book will undoubtedly be very useful to readers of Snell."—*Law Times*.

"This is an admirable analysis of a good treatise; read with Snell, this little book will be found very profitable to the student."—*Law Journal*.

In 8vo, price 2s., sewed,

QUESTIONS ON EQUITY.

FOR STUDENTS PREPARING FOR EXAMINATION.

FOUNDED ON THE NINTH EDITION OF
SNELL'S "PRINCIPLES OF EQUITY."

By W. T. WAITE,

BARRISTER-AT-LAW, HOLT SCHOLAR OF THE HONOURABLE SOCIETY OF GRAY'S INN.

Second Edition, in one volume, 8vo, price 18s., cloth,

PRINCIPLES OF CONVEYANCING.

AN ELEMENTARY WORK FOR THE USE OF STUDENTS.

By HENRY C. DEANE,

OF LINCOLN'S INN, BARRISTER-AT-LAW, SOMETIME LECTURER TO THE INCORPORATED LAW SOCIETY OF THE UNITED KINGDOM.

"We hope to see this book, like Snell's Equity, a standard class-book in all Law Schools where English law is taught."—CANADA LAW JOURNAL.

"We like the work, it is well written and is an excellent student's book, and being only just published, it has the great advantage of having in it all the recent important enactments relating to conveyancing. It possesses also an excellent index."—*Law Students' Journal*.

"Will be found of great use to students entering upon the difficulties of Real Property Law. It has an unusually exhaustive index covering some fifty pages."—*Law Times*.

"In the parts which have been re-written, Mr. Deane has preserved the same pleasant style marked by simplicity and lucidity which distinguished his first edition. After 'Williams on Real Property,' there is no book which we should so strongly recommend to the student entering upon Real Property Law as Mr. Deane's 'Principles of Conveyancing,' and the high character which the first edition attained has been fully kept up in this second."—*Law Journal*.

Fourth Edition, in 8vo, price 10s., cloth,

A SUMMARY OF THE

LAW & PRACTICE IN ADMIRALTY.

FOR THE USE OF STUDENTS.

By EUSTACE SMITH,

OF THE INNER TEMPLE; AUTHOR OF "A SUMMARY OF COMPANY LAW."

"The book is well arranged, and forms a good introduction to the subject."—*Solicitors' Journal*.

"It is, however, in our opinion, a well and carefully written little work, and should be in the hands of every student who is taking up Admiralty Law at the Final."—*Law Students' Journal*.

"Mr. Smith has a happy knack of compressing a large amount of useful matter in a small compass. The present work will doubtless be received with satisfaction equal to that with which his previous 'Summary' has been met."—*Oxford and Cambridge Undergraduates' Journal*.

In the press, Fifth Edition.

A SUMMARY OF THE

LAW AND PRACTICE IN THE ECCLESIASTICAL COURTS.

FOR THE USE OF STUDENTS.

By EUSTACE SMITH,

THE INNER TEMPLE; AUTHOR OF "A SUMMARY OF COMPANY LAW" AND "A SUMMARY OF THE LAW AND PRACTICE IN ADMIRALTY."

"His object has been, as he tells us in his preface, to give the student and general reader a fair outline of the scope and extent of ecclesiastical law, of the principles on which it is founded, of the Courts by which it is enforced, and the procedure by which these Courts are regulated. We think the book well fulfils its object. Its value is much enhanced by a profuse citation of authorities for the propositions contained in it."—*Bar Examination Journal*.

Fourth Edition, in 8vo, price 7s. 6d., cloth,

AN EPITOME OF THE LAWS OF PROBATE AND DIVORCE.

FOR THE USE OF STUDENTS FOR HONOURS EXAMINATION.

By J. CARTER HARRISON, SOLICITOR.

"The work is considerably enlarged, and we think improved, and will be found of great assistance to students."—*Law Students' Journal*.

Now ready, Ninth Edition. In one volume, 8vo, price 20s., cloth,

PRINCIPLES OF THE COMMON LAW.

INTENDED FOR THE USE OF STUDENTS AND THE PROFESSION

NINTH EDITION.

BY JOHN INDERMAUR, SOLICITOR,

AUTHOR OF "A MANUAL OF THE PRACTICE OF THE SUPREME COURT,"
"EPITOMES OF LEADING CASES," AND OTHER WORKS.

"The student will find in Mr. Indermaur's book a safe and clear guide to the Principles of Common Law."—*Law Journal*.

"The present edition of this elementary treatise has been in general edited with praiseworthy care. The provisions of the statutes affecting the subjects discussed, which have been passed since the publication of the last edition, are clearly summarised, and the effect of the leading cases is generally very well given. In the difficult task of selecting and distinguishing principle from detail, Mr. Indermaur has been very successful; the leading principles are clearly brought out, and very judiciously illustrated."—*Solicitors' Journal*.

"The work is acknowledged to be one of the best written and most useful elementary works for Law Students that has been published."—*Law Times*.

"The praise which we were enabled to bestow upon Mr. Indermaur's very useful compilation on its first appearance has been justified by a demand for a second edition."—*Law Magazine*.

"We were able, four years ago, to praise the first edition of Mr. Indermaur's book as likely to be of use to students in acquiring the elements of the law of torts and contracts. The second edition maintains the character of the book."—*Law Journal*.

"Mr. Indermaur renders even law light reading. He not only possesses the faculty of judicious selection, but of lucid exposition and felicitous illustration. And while his works are all thus characterised, his 'Principles of the Common Law' especially displays those features. That it has already reached a second edition, testifies that our estimate of the work on its first appearance was not unduly favourable, highly as we then signified approval; nor needs it that we should add anything to that estimate in reference to the general scope and execution of the work. It only remains to say, that the present edition evinces that every care has been taken to insure thorough accuracy, while including all the modifications in the law that have taken place since the original publication; and that the references to the Irish decisions which have been now introduced are calculated to render the work of greater utility to practitioners and students, both English and Irish."—*Irish Law Times*.

"This work, the author tells us in his Preface, is written mainly with a view to the examinations of the Incorporated Law Society; but we think it is likely to attain a wider usefulness. It seems, so far as we can judge from the parts we have examined, to be a careful and clear outline of the principles of the common law. It is very readable; and not only students, but many practitioners and the public, might benefit by a perusal of its pages."—SOLICITORS' JOURNAL.

Eighth Edition, in 8vo, price 15s., cloth,

**A MANUAL OF THE PRACTICE OF THE SUPREME COURT OF JUDICATURE,
IN THE KING'S BENCH AND CHANCERY DIVISIONS.**
Eighth Edition.

Intended for the use of Students and the Profession.

By JOHN INDERMAUR, Solicitor.

"The eighth edition of Indermaur's 'Manual of Practice' (London: Stevens and Haynes), chiefly called for by reason of the Order XXX., has also been partly rewritten and improved in arrangement and detail. While primarily designed for students, we may mention that it will be found a useful companion to the White Book."—*Law Times*.

"The arrangement of the book is good, and references are given to the leading decisions. Copious references are also given to the rules, so that the work forms a convenient guide to the larger volumes on practice. It is a very successful attempt to deal clearly and concisely with an important and complicated subject."—*Solicitors' Journal*.

Eighth Edition, in 8vo, price 6s., cloth,

**AN EPITOME OF LEADING COMMON LAW CASES;
WITH SOME SHORT NOTES THEREON.**

Chiefly intended as a Guide to "SMITH'S LEADING CASES." By JOHN INDERMAUR, Solicitor (Clifford's Inn Prizeman, Michaelmas Term, 1872).

"We have received the third edition of the 'Epitome of Leading Common Law Cases,' by Mr. Indermaur, Solicitor. The first edition of this work was published in February, 1873, the second in April, 1874; and now we have a third edition dated September, 1875. No better proof of the value of this book can be furnished than the fact that in less than three years it has reached a third edition."—*Law Journal*.

Eighth Edition, in 8vo, price 6s., cloth,

**AN EPITOME OF LEADING CONVEYANCING AND EQUITY CASES;
WITH SOME SHORT NOTES THEREON, FOR THE USE OF STUDENTS.**
By JOHN INDERMAUR, Solicitor, Author of "An Epitome of Leading Common Law Cases."

"We have received the second edition of Mr. Indermaur's very useful Epitome of Leading Conveyancing and Equity Cases. The work is very well done."—*Law Times*.

"The Epitome well deserves the continued patronage of the class—Students—for whom it is especially intended. Mr. Indermaur will soon be known as the 'Students' Friend.'"—*Canada Law Journal*.

Sixth Edition, 8vo, price 6s., cloth,

**THE ARTICLED CLERK'S GUIDE TO AND
SELF-PREPARATION FOR THE FINAL EXAMINATION.**

Containing a Complete Course of Study, with Books to Read, List of Statutes, Cases, Test Questions, &c., and intended for the use of those Articled Clerks who read by themselves. By JOHN INDERMAUR, Solicitor.

"In this edition Mr. Indermaur extends his counsels to the whole period from the Intermediate examination to the Final. His advice is practical and sensible: and if the course of study he recommends is intelligently followed, the articulated clerk will have laid in a store of legal knowledge more than sufficient to carry him through the Final Examination."—*Solicitors' Journal*.

Just Published, in 8vo, price 10s. net, cloth.

**THE ARTICLED CLERK'S GUIDE TO THE
INTERMEDIATE EXAMINATION,**

As it now exists on Stephen's Commentaries. Containing a complete Scheme of Work, Notes and Test Questions on each Chapter: List of Statutes. Also a complete Selected Digest of the whole of the Questions and Answers set at the Examinations on those parts of "Stephen" now examined on, up to January 1902. Intended for the use of all Articled Clerks who have not yet passed the Intermediate Examination. CHARLES THWAITES, Solicitor.

Now ready, in 8vo, price 7s. 6d., cloth.

THE
LAW OF CONTRACT OF SALE.

CONTAINED IN A COURSE OF SIX LECTURES.

DELIVERED BY WILLIAM WILLIS,
ONE OF HIS MAJESTY'S COUNSEL,

AT THE REQUEST OF

THE COUNCIL OF LEGAL EDUCATION.

Now ready, in Crown 8vo, price 3s. net,

AN ANALYSIS OF
TASWELL-LANGMEAD'S CONSTITUTIONAL HISTORY.

BY A. M. WILSHERE.

LATE EXHIBITIONER OF THE UNIVERSITY OF LONDON.

Fifth Edition, in crown 8vo, price 12s. 6d., cloth,

AN EPITOME OF CONVEYANCING STATUTES,
EXTENDING FROM 13 EDW. I. TO THE END OF 55 & 56 VICTORIÆ. Fifth
Edition, with Short Notes. By GEORGE NICHOLS MARCY, of Lincoln's Inn,
Barrister-at-Law.

In royal 8vo, price 5s., cloth,

ANALYTICAL TABLES
OF
THE LAW OF REAL PROPERTY;

Drawn up chiefly from STEPHEN'S BLACKSTONE, with Notes.

By C. J. TARRING, of the Inner Temple, Barrister-at-Law.

"Great care and considerable skill have been shown in the compilation of these tables, which will be found of much service to students of the Law of Real Property."—*Law Times*.

In 8vo, 1875, price 6s., cloth,

THE STUDENTS' GUIDE TO THE
JUDICATURE ACTS,
AND THE RULES THEREUNDER:

Being a book of Questions and Answers intended for the use of Law Students.
By JOHN INDERMAUR, Solicitor.

Now ready, Ninth Edition, in 8vo; price 20s., cloth,

PRINCIPLES OF THE CRIMINAL LAW.

INTENDED AS A LUCID EXPOSITION OF THE SUBJECT FOR
THE USE OF STUDENTS AND THE PROFESSION.

By SEYMOUR F. HARRIS, B.C.L., M.A. (OXON.),
AUTHOR OF "A CONCISE DIGEST OF THE INSTITUTES OF GAIVS AND JUSTINIAN."

NINTH EDITION.

By C. L. ATTENBOROUGH, of the Inner Temple, Barrister-at-Law.

REVIEWS.

"Messrs. Stevens & Haynes have just issued the Seventh Edition of their well known text-book, 'Harris's Principles of the Criminal Law.' For the present edition Mr. Charles L. Attenborough, of the Inner Temple, Barrister-at-Law, is responsible. He has brought the work up to date, and ensured for it a further career of usefulness as the leading student's text-book upon the Criminal Law."—*Law Times*.

"This work is pretty well known as one designed for the student who is preparing for examination, and for the help of young practitioners. Among articulated clerks it has long enjoyed a popularity which is not likely to be interfered with. . . . We have been carefully through the new edition and can cordially commend it."—*Law Student's Journal*.

"The book must be good, and must meet a demand, and Harris's Criminal Law remains as it has always been, an excellent work for obtaining that kind of theoretical knowledge of the criminal law which is so useful at the University Examinations of Oxford and Cambridge."—*Law Notes*.

"The characteristic of the present Edition is the restoration to the book of the character of 'a concise exposition' proclaimed by the title-page. Mr. Attenborough has carefully pruned away the excrescences which had arisen in successive editions, and has improved the work both as regards terseness and clearness of exposition. In both respects it is now an excellent student's book. The text is very well broken up into headings and paragraphs, with short marginal notes—the importance of which, for the convenience of the student, is too often overlooked."—*Solicitors' Journal*.

"The favourable opinion we expressed of the first edition of this work appears to have been justified by the reception it has met with. Looking through this new Edition, we see no reason to modify the praise we bestowed on the former Edition. The recent cases have been added and the provisions of the Summary Jurisdiction Act are noticed in the chapter relating to Summary Convictions. The book is one of the best manuals of Criminal Law for the student."—*SOLICITORS' JOURNAL*.

"There is no lack of Works on Criminal Law, but there was room for such a useful handbook of Principles as Mr. Seymour Harris has supplied. Accustomed, by his previous labours, to the task of analysing the law, Mr. Harris has brought to bear upon his present work qualifications well adapted to secure the successful accomplishment of the object which he had set before him. That object is not an ambitious one, for it does not pretend to soar above utility to the young practitioner and the student. For both these classes, and for the yet wider class who may require a book of reference on the subject, Mr. Harris has produced a clear and convenient Epitome of the Law."—*LAW MAGAZINE AND REVIEW*.

"This work purports to contain 'a concise exposition of the nature of crime, the various offences punishable by the English law, the law of criminal procedure, and the law of summary convictions,' with tables of offences, punishments, and statutes. The work is divided into four books. Book I. treats of crime, its divisions and essentials; of persons capable of committing crimes; and of principals and accessories. Book II. deals with offences of a public nature; offences against private persons; and offences against the property of individuals. Each crime is discussed in its turn, with as much brevity as could well be used consistently with a proper explanation of the legal characteristics of the several offences. Book III. explains criminal procedure, including the jurisdiction of Courts, and the various steps in the apprehension and trial of criminals from arrest to punishment. This part of the work is extremely well done, the description of the trial being excellent, and thoroughly calculated to impress the mind of the uninitiated. Book IV. contains a short sketch of 'summary convictions before magistrates out of quarter sessions.' The table of offences at the end of the volume is most useful, and there is a very full index. Altogether we must congratulate Mr. Harris on his adventure."—*Law Journal*.

Second Edition, in crown 8vo, price 5s. 6a., cloth,

THE STUDENTS' GUIDE TO BANKRUPTCY;

Being a Complete Digest of the Law of Bankruptcy in the shape of Questions and Answers, and comprising all Questions asked at the Solicitors' Final Examinations in Bankruptcy since the Bankruptcy Act, 1883, and all important Decisions since that Act. By JOHN INDERMAUR, Solicitor, Author of "Principles of Common Law," &c. &c.

In 12mo, price 5s. 6d., cloth,

A CONCISE TREATISE ON THE LAW OF BILLS OF SALE,

FOR THE USE OF LAWYERS, LAW STUDENTS, AND THE PUBLIC.

Embracing the Acts of 1878 and 1882. Part I.—Of Bills of Sale generally. Part II.—Of the Execution, Attestation, and Registration of Bills of Sale and satisfaction thereof. Part III.—Of the Effects of Bills of Sale as against Creditors. Part IV.—Of Seizing under, and Enforcing Bills of Sale. Appendix, Forms, Acts, &c. By JOHN INDERMAUR, Solicitor.

"The object of the book is thoroughly practical. Those who want to be told exactly what to do and where to go when they are registering a bill of sale will find the necessary information in this little book."
—*Law Journal*.

Second Edition, in 8vo, price 4s., cloth,

A COLLECTION OF LATIN MAXIMS & PHRASES.

LITERALLY TRANSLATED.

INTENDED FOR THE USE OF STUDENTS FOR ALL LEGAL EXAMINATIONS.

Second Edition, by J. N. COTTERELL, Solicitor.

"The book seems admirably adapted as a book of reference or students who come across a Latin maxim in their reading."—*Law Journal*.

In one volume, 8vo, price 9s., cloth,

LEADING STATUTES SUMMARISED,

FOR THE USE OF STUDENTS.

By ERNEST C. THOMAS,

BACON SCHOLAR OF THE HON. SOCIETY OF GRAY'S INN, LATE SCHOLAR OF TRINITY COLLEGE, OXFORD:
AUTHOR OF "LEADING CASES IN CONSTITUTIONAL LAW BRIEFLY STATED."

Third Edition, in 8vo, enlarged, price 6s., cloth,

LEADING CASES IN CONSTITUTIONAL LAW

BRIEFLY STATED, WITH INTRODUCTION AND NOTES.

By ERNEST C. THOMAS,

BACON SCHOLAR OF THE HON. SOCIETY OF GRAY'S INN, LATE SCHOLAR OF TRINITY COLLEGE, OXFORD.

Third Edition by C. L. ATTENBOROUGH, of the Inner Temple, Barrister-at-Law.

"Mr. E. C. Thomas has put together in a slim octavo a digest of the principal cases illustrating Constitutional Law, that is to say, all questions as to the rights or authority of the Crown or persons under it, as regards not merely the constitution and structure given to the governing body, but also the mode in which the sovereign power is to be exercised. In an introductory essay Mr. Thomas gives a very clear and intelligent survey of the general functions of the Executive, and the principles by which they are regulated; and then follows a summary of leading cases."—*Saturday Review*.

"Mr. Thomas gives a sensible introduction and a brief epitome of the familiar leading cases."—*Law Times*.

Second Edition, in crown 8vo, price 12s. 6d., cloth,

THE BANKRUPTCY ACT, 1883,

WITH NOTES OF ALL THE CASES DECIDED UNDER THE ACT;

THE CONSOLIDATED RULES AND FORMS, 1886; THE DEBTORS ACT, 1869, SO FAR AS APPLICABLE TO BANKRUPTCY MATTERS, WITH RULES AND FORMS THEREUNDER; THE BILLS OF SALE ACTS, 1878 AND 1882;

Board of Trade Circulars and Forms, and List of Official Receivers; Scale of Costs, Fees, and Percentages, 1886; Orders of the Bankruptcy Judge of the High Court; and a Copious Index.

BY WILLIAM HAZLITT, ESQ., AND RICHARD RINGWOOD, M.A.,
SENIOR REGISTRAR IN BANKRUPTCY, OF THE MIDDLE TEMPLE, ESQ., BARRISTER-AT-LAW.

Second Edition, by R. RINGWOOD, M.A., Barrister-at-Law.

"This is a very handy edition of the Act and Rules. . . . The cross references and marginal references to corresponding provisions of the Act of 1869 are exceedingly useful. . . . There is a very full index, and the book is admirably printed."—*Solicitors' Journal*.

Part I., price 7s. 6d., sewed,

LORD WESTBURY'S DECISIONS IN THE EUROPEAN ARBITRATION. Reported by FRANCIS S. REILLY, of Lincoln's Inn, Barrister-at-Law.

Parts I., II., and III., price 25s., sewed,

LORD CAIRNS'S DECISIONS IN THE ALBERT ARBITRATION. Reported by FRANCIS S. REILLY, of Lincoln's Inn, Barrister-at-Law.

Second Edition, in royal 8vo, price 30s., cloth,

A TREATISE ON

THE STATUTES OF ELIZABETH AGAINST FRAUDULENT CONVEYANCES.

THE BILLS OF SALE ACTS 1878 AND 1882 AND THE LAW OF VOLUNTARY DISPOSITIONS OF PROPERTY.

BY THE LATE H. W. MAY, B.A. (Ch. Ch. Oxford).

Second Edition, thoroughly revised and enlarged, by S. WORTHINGTON WORTHINGTON, of the Inner Temple, Barrister-at-Law; Editor of the "Married Women's Property Acts," 5th edition, by the late J. R. GRIFFITH.

"In conclusion, we can heartily recommend this book to our readers, not only to those who are in large practice, and who merely want a classified list of cases, but to those who have both the desire and the leisure to enter upon a systematic study of our law."—*Solicitors' Journal*.

"As Mr. Worthington points out, since Mr. May wrote the 'Bills of Sale Acts' of 1878 and 1882 have been passed; the 'Married Women's Property Act, 1882' (making settlements by married women void as against creditors in cases in which similar settlements by a man would be void), and the 'Bankruptcy Act, 1883.' These Acts and the decisions upon them have been handled by Mr. Worthington in a manner which shows that he is master of his subject, and not a slavish copyist of sections and head-notes, which is a vicious propensity of many modern compilers of text-books. His Table of Cases (with reference to all the reports), is admirable, and his Index most exhaustive."—*Law Times*.

"The results of the authorities appear to be given well and tersely, and the treatise will, we think, be found a convenient and trustworthy book of reference."—*Law Journal*.

"Mr. Worthington's work appears to have been conscientious and exhaustive."—*Saturday Review*.

"Examining Mr. May's book, we find it constructed with an intelligence and precision which render it entirely worthy of being accepted as a guide in this confessedly difficult subject. The subject is an involved one, but with clean and clear handling it is here presented as clearly as it could be. . . . On the whole, he has produced a very useful book of an exceptionally scientific character."—*Solicitors' Journal*.

"The subject and the work are both very good. The former is well chosen, new, and interesting; the latter has the quality which always distinguishes original research from borrowed labours."—*American Law Review*.

"We are happy to welcome his (Mr. May's) work as an addition to the, we regret to say, brief catalogue of law books conscientiously executed. We can corroborate his own description of his labours, 'that no pains have been spared to make the book as concise and practical as possible, without doing so at the expense of perspicuity, or by the omission of any important points.'"—*Law Times*.

In one volume, medium 8vo, price 38s., cloth; or in half-roxburgh, 42s.,

A HISTORY OF THE FORESHORE AND THE LAW RELATING THERETO.

WITH A HITHERTO UNPUBLISHED TREATISE BY LORD HALE, LORD HALE'S
"DE JURE MARIS," AND THE THIRD EDITION OF HALL'S ESSAY ON THE
RIGHTS OF THE CROWN IN THE SEA-SHORE.

WITH NOTES, AND AN APPENDIX RELATING TO FISHERIES.

BY STUART A. MOORE, F.S.A.,

OF THE INNER TEMPLE, BARRISTER-AT-LAW.

"This work is nominally a third edition of the late Mr. Hall's essay on the rights of the Crown in the Sea-shore, but in reality is an absolutely new production, for out of some 900 odd pages Hall's essay takes up but 227. Mr. Moore has written a book of great importance, which should mark an epoch in the history of the rights of the Crown and the subject in the *litus maris*, or foreshore of the kingdom. Hall's treatise (with Loveland's notes) is set out with fresh notes by the present editor, who is anything but kindly disposed towards his author, for his notes are nothing but a series of exposures of what he deems to be Hall's errors and misrepresentations. Mr. Moore admits his book to be a brief for the opposite side of the contention supported by Hall, and a more vigorous and argumentative treatise we have scarcely ever seen. Its arguments are clearly and broadly disclosed, and supported by a wealth of facts and cases which show the research of the learned author to have been most full and elaborate. . . . There is no doubt that this is an important work, which must have a considerable influence on that branch of the law with which it deals. That law is contained in ancient and most inaccessible records; these have now been brought to light, and it may well be that important results to the subject may flow therefrom. The Profession, not to say the general public, owe the learned author a deep debt of gratitude for providing ready to hand such a

wealth of materials for founding and building up arguments. Mr. Stuart Moore has written a work which must, unless his contentions are utterly unfounded, at once become the standard text-book on the law of the Sea-shore."—*Law Times*, Dec. 1st.

"Mr. Stuart Moore in his valuable work on the Foreshore."—*The Times*.

"Mr. Stuart Moore's work on the title of the Crown to the land around the coast of England lying between the high and low water mark is something more than an ordinary law book. It is a history, and a very interesting one, of such land and the rights exercised over it from the earliest times to the present day; and a careful study of the facts contained in the book and of the arguments brought forward can scarcely fail to convince the reader of the inaccuracy of the theory, now so constantly put forward by the Crown, that without the existence of special evidence to the contrary, the land which adjoins riparian property, and which is covered at high tide, belongs to the Crown and not to the owner of the adjoining manor. The list which Mr. Moore gives of places where the question of foreshore has been already raised, and of those as to which evidence on the subject exists amongst the public records, is valuable, though by no means exhaustive; and the book should certainly find a place in the library of the lord of every riparian manor."—*Morning Post*.

In one volume, 8vo, price 12s., cloth,

A TREATISE ON THE LAW RELATING TO THE POLLUTION AND OBSTRUCTION OF WATER COURSES;

TOGETHER WITH A BRIEF SUMMARY OF THE VARIOUS SOURCES OF RIVERS
POLLUTION.

BY CLEMENT HIGGINS, M.A., F.C.S.,

OF THE INNER TEMPLE, BARRISTER-AT-LAW.

"As a compendium of the law upon a special and rather intricate subject, this treatise cannot but prove of great practical value, and more especially to those who have to advise upon the institution of proceedings under the Rivers Pollution Prevention Act, 1876, or to adjudicate upon those proceedings when brought."—*Irish Law Times*.

"We can recommend Mr. Higgins' Manual as the best guide we possess."—*Public Health*.

"County Court Judges, Sanitary Authorities, and Riparian Owners will find in Mr. Higgins' Treatise a valuable aid in obtaining a clear notion of the Law on the Subject. Mr. Higgins has accomplished a work for which he will readily be recognised as having special fitness on account of

his practical acquaintance both with the scientific and the legal aspects of his subject."—*Law Magazine and Review*.

"The volume is very carefully arranged throughout, and will prove of great utility both to miners and to owners of land on the banks of rivers."—*The Mining Journal*.

"Mr. Higgins writes tersely and clearly, while his facts are so well arranged that it is a pleasure to refer to his book for information; and altogether the work is one which will be found very useful by all interested in the subject to which it relates."—*Engineer*.

"A compact and convenient manual of the law on the subject to which it relates."—*Solicitors' Journal*.

In 8vo, SIXTH EDITION, price 28s., cloth.

MAYNE'S TREATISE
ON
THE LAW OF DAMAGES.

SIXTH EDITION.

REVISED AND PARTLY REWRITTEN.

BY

JOHN D. MAYNE,

OF THE INNER TEMPLE, BARRISTER-AT-LAW;

AND

HIS HONOR JUDGE LUMLEY SMITH, K.C.

“ ‘Mayne on Damages’ has now become almost a classic, and it is one of the books which we cannot afford to have not up to date. We are therefore pleased to have a new Edition, and one so well written as that before us. With the authors we regret the increasing size of the volume, but bulk in such a case is better than incompleteness. Every lawyer in practice should have this book, full as it is of practical learning on all branches of the Common Law. The work is unique, and this Edition, like its predecessors, is indispensable.”—*Law Journal*, April, 1894.

“ Few books have been better kept up to the current law than this treatise. The earlier part of the book was remodelled in the last edition, and in the present edition the chapter on Penalties and Liquidated Damages has been rewritten, no doubt in consequence of, or with regard to, the elaborate and exhaustive judgment of the late Master of the Rolls in *Wallis v. Smith* (31 W. R. 214; L. R. 21 Ch. D. 243). The treatment of the subject by the authors is admirably clear and concise. Upon the point involved in *Wallis v. Smith* they say: ‘The result is that an agreement with various covenants of different importance is not to be governed by any inflexible rule peculiar to itself, but is to be dealt with as coming under the general rule, that the intention of the parties themselves is to be considered. If they have said that in the case of any breach a fixed sum is to be paid, then they will be kept to their agreement, unless it would lead to such an absurdity or injustice that it must be assumed that they did not mean what they said.’ This is a very fair summary of the judgments in *Wallis v. Smith*, especially of that of Lord Justice Cotton; and it supplies the nearest approach which can be given at present to a rule for practical guidance. We can heartily commend this as a carefully edited edition of a thoroughly good book.”—*Solicitors’ Journal*.

“ *During the twenty-two years which have elapsed since the publication of this well-known work, its reputation has been steadily growing, and it has long since become the recognised authority on the important subject of which it treats.*”—*LAW MAGAZINE AND REVIEW*.

“ This edition of what has become a standard work has the advantage of appearing under the supervision of the original author as well as of Mr. Lumley Smith, the editor of the second edition. The result is most satisfactory. Mr. Lumley Smith’s edition was ably and conscientiously prepared, and we are glad to find that the reader still enjoys the benefit of his accuracy and learning. At the same time the book has doubtless been improved by the reappearance of its author as co-editor. The earlier part, indeed, has been to a considerable extent entirely rewritten.

“ Mr. Mayne’s remarks on damages in actions of tort are brief. We agree with him that in such actions the courts are governed by far looser principles than in contracts; indeed, sometimes it is impossible to say they are governed by any principles at all. In actions for injuries to the person or reputation, for example, a judge cannot do more than give a general direction to the jury to give

what the facts proved in their judgment required. And, according to the better opinion, they may give damages ‘for example’s sake,’ and mulct a rich man more heavily than a poor one. In actions for injuries to property, however, ‘vindictive’ or ‘exemplary’ damages cannot, except in very rare cases, be awarded, but must be limited, as in contract, to the actual harm sustained.

“ It is needless to comment upon the arrangement of the subjects in this edition, in which no alteration has been made. The editors modestly express a hope that all the English as well as the principal Irish decisions up to the date have been included, and we believe from our own examination that the hope is well founded. We may regret that, warned by the growing bulk of the book, the editors have not included any fresh American cases, but we feel that the omission was unavoidable. We should add that the whole work has been thoroughly revised.”—*Solicitors’ Journal*.

“ *This text-book is so well known, not only as the highest authority on the subject treated of but as one of the best text-books ever written, that it would be idle for us to speak of it in the words of commendation that it deserves. It is a work that no practising lawyer can do without.*”—*CANADA LAW JOURNAL*.

In crown 8vo, price 4s. 6d., cloth,

ABSTRACT DRAWING. Containing Instructions on the Drawing of Abstracts of Title, and an Illustrative Appendix. By C. E. SCOTT, Solicitor.

"This little book is intended for the assistance of those who have the framing of abstracts of title entrusted to their care. It contains a number of useful rules, and an illustrative appendix."—*Law Times*.

"A handy book for all articulated clerks."—*Law Students' Journal*.

"Solicitors who have articulated clerks would save themselves much trouble if they furnished their clerks with a copy of this little book before putting them on to draft an abstract of a heap of title deeds."—*Law Notes*.

"The book ought to be perused by all law students and articulated clerks."—*Red Tape*.

Second Edition, in crown 8vo, price 7s., cloth,

THE LAW RELATING TO CLUBS.

BY THE LATE JOHN WERTHEIMER, BARRISTER-AT-LAW.

Second Edition, by A. W. CHASTER, Barrister-at-Law.

"A convenient handbook, drawn up with great judgment and perspicuity."—*Morning Post*.

"Both useful and interesting to those interested in club management."—*Law Times*.

"Mr. Wertheimer's history of the cases is complete and well arranged."—*Saturday Review*.

"This is a very neat little book on an interesting subject. The law is accurately and well expressed."—*Law Journal*.

"This is a very handy and complete little work. This excellent little treatise should lie on the table of every club."—*Pump Court*.

In 8vo, price 2s., sewed,

TABLE of the FOREIGN MERCANTILE LAWS and CODES in Force in the Principal States of EUROPE and AMERICA. By CHARLES LYON-CAEN, Professeur agrégé à la Faculté de Droit de Paris; Professeur à l'École libre des Sciences politiques. Translated by NAPOLEON ARGLES, Solicitor, Paris.

In one volume, demy 8vo, price 10s. 6d., cloth,

PRINCIPLES OF THE LAW OF STOPPAGE IN TRANSITU, RETENTION, and DELIVERY. By JOHN HOUSTON, of the Middle Temple, Barrister-at-Law.

In 8vo, price 10s., cloth,

THE TRIAL OF ADELAIDE BARTLETT FOR MURDER; Complete and Revised Report. Edited by EDWARD BEAL, B.A., of the Middle Temple, Barrister-at-Law. With a Preface by Sir EDWARD CLARKE, K.C.

In 8vo, price 10s. 6d., cloth,

A REPORT OF THE CASE OF

THE QUEEN v. GURNEY AND OTHERS,

In the Court of Queen's Bench before the Lord Chief Justice COCKBURN. With Introduction, containing History of the Case, and Examination of the Cases at Law and Equity applicable to it. By W. F. FINLASON, Barrister-at-Law.

In royal 8vo, price 10s. 6d., cloth.

THE PRACTICE OF EQUITY BY WAY OF REVIVOR AND SUPPLEMENT.

With Forms of Orders and Appendix of Bills. By LOFTUS LEIGH PEMBERTON, of the Chancery Registrar's Office.

In 8vo, price 12s. 6d., cloth,

THE ANNUAL DIGEST OF MERCANTILE CASES FOR THE YEARS 1885 AND 1886.

BEING A DIGEST OF THE DECISIONS OF THE ENGLISH, SCOTCH AND IRISH COURTS
ON MATTERS RELATING TO COMMERCE.

By JAMES A. DUNCAN, M.A., LL.B., Trin. Coll., Camb.,
AND OF THE INNER TEMPLE, BARRISTER-AT-LAW.

In 8vo, 1878, price 6s., cloth,

THE

LAW RELATING TO CHARITIES,

ESPECIALLY WITH REFERENCE TO THE VALIDITY AND CONSTRUCTION OF
CHARITABLE BEQUESTS AND CONVEYANCES.

By FERDINAND M. WHITEFORD, of Lincoln's Inn, Barrister-at-Law.

Vols. I., II., III., IV., and V., Parts I. and II., price 5l. 7s.

REPORTS OF THE DECISIONS OF THE

JUDGES FOR THE TRIAL OF ELECTION PETITIONS,

IN ENGLAND AND IRELAND.

PURSUANT TO THE PARLIAMENTARY ELECTIONS ACT, 1868.

By EDWARD LOUGHLIN O'MALLEY AND HENRY HARDCASTLE.

** Vol. IV. Part III. and all after are Edited by J. S. SANDARS and A. P. P. KEEP,
Barristers-at-Law.

In one volume, 8vo, price 28s., cloth,

THE LAW RELATING TO PUBLIC WORSHIP;

WITH SPECIAL REFERENCE TO MATTERS OF RITUAL AND
ORNAMENTATION, AND THE MEANS OF SECURING
THE DUE OBSERVANCE THEREOF,

And containing *in extenso*, with Notes and References, The Public Worship Regulation Act, 1874; The Church Discipline Act; the various Acts of Uniformity; the Liturgies of 1549, 1552, and 1559, compared with the Present Rubric; the Canons; the Articles; and the Injunctions, Advertisements, and other Original Documents of Legal Authority. By SEWARD BRICE, LL.D., of the Inner Temple, Barrister-at-Law.

Stevens and Haynes' Series of Reprints of the Early Reporters.

SIR BARTHOLOMEW SHOWER'S PARLIAMENTARY CASES.

In 8vo, 1876, price 4l. 4s., best calf binding,

SHOWER'S CASES IN PARLIAMENT

RESOLVED AND ADJUDGED UPON PETITIONS & WRITS OF ERROR.

FOURTH EDITION.

CONTAINING ADDITIONAL CASES NOT HITHERTO REPORTED.

REVISED AND EDITED BY

RICHARD LOVELAND LOVELAND,

OF THE INNER TEMPLE, BARRISTER-AT-LAW; EDITOR OF "KELYNG'S CROWN CASES," AND
"HALL'S ESSAY ON THE RIGHTS OF THE CROWN IN THE SEASHORE."

"Messrs. STEVENS & HAYNES, the successful publishers of the Reprints of Bellewe, Cooke, Cunningham, Brookes's New Cases, Choyce Cases in Chancery, William Kelynge and Kelyng's Crown Cases, determined to issue a new or fourth Edition of Shower's Cases in Parliament.

"The volume, although beautifully printed on old-fashioned Paper, in old-fashioned type, instead of being in the quarto is in the more convenient octavo form, and contains several additional cases not to be found in any of the previous editions of the work.

"These are all cases of importance, worthy of being ushered into the light of the world by enterprising publishers.

"Shower's Cases are models for reporters, even in our day. The statements of the case, the arguments of counsel, and the opinions of the Judges, are all clearly and ably given.

"This new edition with an old face of these valuable reports, under the able editorship of R. L. Loveland, Esq., should, in the language of the advertisement, 'be welcomed by the profession, as well as enable the custodians of public libraries to complete or add to their series of English Law Reports.'"—*Canada Law Journal*.

BELLEWE'S CASES, T. RICHARD II.

In 8vo, 1869, price 3l. 3s., bound in calf antique,

LES ANS DU ROY RICHARD LE SECOND.

Collect' ensembl' hors les abridgments de Statham, Fitzherbert et Brooke. Per RICHARD BELLEWE, de Lincolns Inne. 1585. Reprinted from the Original Edition.

"No public library in the world, where English law finds a place, should be without a copy of this edition of Bellewe."—*Canada Law Journal*.

"We have here a *fac-simile* edition of Bellewe, and it is really the most beautiful and admirable reprint that has appeared at any time. It is a perfect gem of antique printing, and forms a most interesting monument of our early legal history. It belongs to the same class of works as the Year Book of Edward I. and other similar works which have been printed in our own time under the auspices of the Master of the Rolls; but is far superior to any of them, and is in this respect

highly creditable to the spirit and enterprise of private publishers. The work is an important link in our legal history; there are no year books of the reign of Richard II., and Bellewe supplied the only substitute by carefully extracting and collecting all the cases he could find, and he did it in the most convenient form—that of alphabetical arrangement in the order of subjects, so that the work is a digest as well as a book of law reports. It is in fact a collection of cases of the reign of Richard II., arranged according to their subjects in alphabetical order. It is therefore one of the most intelligible and interesting legal memorials of the Middle Ages."—*Law Times*.

CUNNINGHAM'S REPORTS.

In 8vo, 1871, price 3l. 3s., calf antique,

CUNNINGHAM'S (T.) Reports in K. B., 7 to 10 Geo. II.; to which is prefixed a Proposal for rendering the Laws of England clear and certain, humbly offered to the Consideration of both Houses of Parliament. Third edition, with numerous Corrections. By THOMAS TOWNSEND BUCKNILL, Barrister-at-Law.

"The instructive chapter which precedes the cases, entitled 'A proposal for rendering the Laws of England clear and certain,' gives the volume a degree of peculiar interest, independent of the value of many of the reported cases. That chapter begins with words which ought, for the information of every people, to be printed in letters of gold. They are as follows: 'Nothing conduces more to the

peace and prosperity of every nation than good laws and the due execution of them.' The history of the civil law is then rapidly traced. Next a history is given of English Reporters, beginning with the reporters of the Year Books from 1 Edw. III. to 12 Hen. VIII.—being near 200 years—and afterwards to the time of the author."—*Canada Law Journal*.

Stevens and Haynes' Series of Reprints of the Early Reporters.

CHOYCE CASES IN CHANCERY.

In 8vo, 1870, price 2*l.* 2*s.*, calf antique,

THE PRACTICE OF THE HIGH COURT OF CHANCERY.

With the Nature of the several Offices belonging to that Court. And the Reports of many Cases wherein Relief hath been there had, and where denied.

"This volume, in paper, type, and binding (like 'Bellew's Cases') is a fac-simile of the antique edition. All who buy the one should buy the other."—*Canada Law Journal*.

In 8vo, 1872, price 3*l.* 3*s.*, calf antique,

SIR G. COOKE'S COMMON PLEAS REPORTS

IN THE REIGNS OF QUEEN ANNE, AND KINGS GEORGE I. AND II.

The Third Edition, with Additional Cases and References contained in the Notes taken from L. C. J. EYRE'S MSS. by Mr. Justice NARES, edited by THOMAS TOWNSEND BUCKNILL, of the Inner Temple, Barrister-at-Law.

"Law books never can die or remain long dead so long as Stevens and Haynes are willing to continue them or revive them when dead. It is certainly surprising to see with what facial accuracy

an old volume of Reports may be produced by these modern publishers, whose good taste is only equalled by their enterprise."—*Canada Law Journal*.

BROOKE'S NEW CASES WITH MARCH'S TRANSLATION.

In 8vo, 1873, price 4*l.* 4*s.*, calf antique,

BROOKE'S (Sir Robert) New Cases in the time of Henry VIII., Edward VI., and Queen Mary, collected out of BROOKE'S Abridgement, and arranged under years, with a table, together with MARCH'S (John) *Translation of BROOKE'S New Cases* in the time of Henry VIII., Edward VI., and Queen Mary, collected out of BROOKE'S Abridgement, and reduced alphabetically under their proper heads and titles, with a table of the principal matters. In one handsome volume. 8vo. 1873.

"Both the original and the translation having long been very scarce, and the mispaging and other errors in March's translation making a new and corrected edition peculiarly desirable, Messrs.

Stevens and Haynes have reprinted the two books in one volume uniform with the preceding volumes of the series of Early Reports."—*Canada Law Journal*.

KELYNGE'S (W.) REPORTS.

In 8vo, 1873, price 4*l.* 4*s.*, calf antique,

KELYNGE'S (William) Reports of Cases in Chancery, the King's Bench, &c., from the 3rd to the 9th year of his late Majesty King George II., during which time Lord King was Chancellor, and the Lords Raymond and Hardwicke were Chief Justices of England. To which are added, seventy New Cases not in the First Edition. Third Edition. In one handsome volume. 8vo. 1873.

KELYNG'S (SIR JOHN) CROWN CASES.

In 8vo, 1873, price 4*l.* 4*s.*, calf antique,

KELYNG'S (Sir J.) Reports of Divers Cases in Pleas of the Crown in the Reign of King Charles II., with Directions to Justices of the Peace, and others; to which are added, Three Modern Cases, viz., Armstrong and Lisle, the King and Plummer, the Queen and Mawgridge. Third Edition, containing several additional Cases never before printed, together with a TREATISE UPON THE LAW AND PROCEEDINGS IN CASES OF HIGH TREASON, first published in 1793. The whole carefully revised and edited by RICHARD LOVELAND LOVELAND, of the Inner Temple, Barrister-at-Law.

"We look upon this volume as one of the most important and valuable of the unique reprints of Messrs. Stevens and Haynes. Little do we know of the mines of legal wealth that lie buried in the old law books. But a careful examination, either of the reports or of the treatise embodied in the volume now before us, will give the reader some idea of the

goodservice rendered by Messrs. Stevens and Haynes to the profession. . . . Should occasion arise, the Crown prosecutor, as well as counsel for the prisoner, will find in this volume a complete *vade mecum* of the law of high treason and proceedings in relation thereto."—*Canada Law Journal*.

Second Edition, in 8vo, price 26s., cloth,

A CONCISE TREATISE ON
PRIVATE INTERNATIONAL JURISPRUDENCE,
BASED ON THE DECISIONS IN THE ENGLISH COURTS

By JOHN ALDERSON FOOTE,

OF LINCOLN'S INN, BARRISTER-AT-LAW; CHANCELLOR'S LEGAL MEDALLIST AND SENIOR WHEWELL SCHOLAR
OF INTERNATIONAL LAW, CAMBRIDGE UNIVERSITY, 1873; SENIOR STUDENT IN JURISPRUDENCE
AND ROMAN LAW, INNS OF COURT EXAMINATION, HILARY TERM, 1874.

"This work seems to us likely to prove of considerable use to all English lawyers who have to deal with questions of private international law. Since the publication of Mr. Westlake's valuable treatise, twenty years ago, the judicial decisions of English courts bearing upon different parts of this subject have greatly increased in number, and it is full time that these decisions should be examined, and that the conclusions to be deduced from them should be systematically set forth in a treatise. Moreover, Mr. Foote has done this well."—*Solicitors' Journal*.

"Mr. Foote has done his work very well, and the book will be useful to all who have to deal with the class of cases in which English law alone is not sufficient to settle the question."—*Saturday Review*, March 8, 1879.

"The author's object has been to reduce into order the mass of materials already accumulated in the shape of explanation and actual decision on the interesting matter of which he treats; and to construct a framework of private international law, not from the *dicta* of jurists so much as from judicial decisions in English Courts which have superseded them. And it is here, in compiling and arranging in a concise form this valuable material, that Mr. Foote's wide range of knowledge and legal acumen bear such good fruit. As a guide and assistant to the student of international law, the whole treatise will be invaluable: while a table of cases and a general index will enable him to find what he wants without trouble."—*Standard*.

"The recent decisions on points of international law (and there have been a large number since Westlake's publication) have been well stated. So far as we have observed, no case of any importance has been omitted, and the leading cases have been fully analysed. The author does not hesitate to criticise the grounds of a decision when these appear to him to conflict with the proper rule of law. Most of his criticisms seem to us very just. . . . On the whole, we can recommend Mr. Foote's treatise as a useful addition to our text-books, and we expect it will rapidly find its way into the hands of practising lawyers."—*The Journal of Jurisprudence and Scottish Law Magazine*.

"Mr. Foote has evidently borne closely in mind the needs of Students of Jurisprudence as well as those of the Practitioners. For both, the fact that his work is almost entirely one of Case-law will commend it as one useful alike in Chambers and in Court."—*Law Magazine and Review*.

"Mr. Foote's book will be useful to the student. . . . One of the best points of Mr. Foote's book is the 'Continuous Summary,' which occupies about thirty pages, and is divided into four parts—Persons, Property, Acts, and Procedure. Mr. Foote remarks that these summaries are not in any way intended as an attempt at codification. However that may be, they are a digest which reflects high credit on the author's assiduity and capacity. They are 'meant merely to guide the student;' but they will do much more than guide him. They will enable him to get such a grasp of the subject as will render the reading of the text easy and fruitful."—*Law Journal*.

"This book is well adapted to be used both as a text-book for students and a book of reference for practising barristers."—*Bar Examination Journal*.

"This is a book which supplies the want which has long been felt for a really good modern treatise on Private International Law adapted to the every-day requirements of the English Practitioner. The whole volume, although designed for the use of the practitioner, is so moderate in size—an octavo of 500 pages only—and the arrangement and development of the subject so well conceived and executed, that it will amply repay perusal by those whose immediate object may be not the actual decisions of a knotty point but the satisfactory disposal of an examination paper."—*Oxford and Cambridge Undergraduates Journal*.

"Since the publication, some twenty years ago, of Mr. Westlake's Treatise, Mr. Foote's book is, in our opinion, the best work on private international law which has appeared in the English language. . . . The work is executed with much ability, and will doubtless be found of great value by all persons who have to consider questions on private international law."—*Athenæum*.

Eighth Edition, in 8vo, price 25s., cloth.

A TREATISE UPON
THE LAW OF BANKRUPTCY
 AND
BILLS OF SALE.
 WITH AN APPENDIX.

CONTAINING

THE BANKRUPTCY ACTS, 1883—1890 ;
 GENERAL RULES, FORMS, SCALE OF COSTS AND FEES :
 RULES UNDER S. 122 OF 1888 :
 DEEDS OF ARRANGEMENT ACTS, 1887—1890 :
 RULES AND FORMS :
 BOARD OF TRADE AND COURT ORDERS :
 DEBTORS ACTS, 1869, 1878 :
 RULES AND FORMS :
 BILLS OF SALE ACTS, 1878—1891, Etc., Etc.

By EDWARD T. BALDWIN, M.A.,

OF THE INNER TEMPLE, BARRISTER-AT-LAW.

“The seven editions simply record the constant progress of case growth and statute law. It is a remarkably useful compendium.”—*Law Times*, July 20, 1895.

“As a well-arranged and complete collection of case law this book should be found of great use.”—*Law Journal*, July 20, 1895.

“Carefully brought down to date.”—*Solicitors' Journal*, November 9, 1895.

“We have always considered the work an admirable one, and the present edition is quite up to the previous high standard of excellence. We know of no better book on bankruptcy for the practitioner's library.”—*Law Students' Journal*, August, 1895.

“Practitioners may, we feel sure, safely rely on its accuracy. A distinct acquisition for reference purposes to the shelf of any practitioner.”—*Law Notes*.

Second Edition, in 8vo, price 25s., cloth,

THE PRINCIPLES OF
THE LAW OF RATING OF HEREDITAMENTS
 IN THE OCCUPATION OF COMPANIES.

By J. H. BALFOUR BROWNE,

OF THE MIDDLE TEMPLE, K.C.,

And D. N. McNAUGHTON, of the Middle Temple, Barrister-at-Law.

“The tables and specimen valuations which are printed in an appendix to this volume will be of great service to the parish authorities, and to the legal practitioners who may have to deal with the rating of those properties which are in the occupation of Companies, and we congratulate Mr. Browne on the production of a clear and concise book of the system of Company Rating. There is no doubt

that such a work is much needed, and we are sure that all those who are interested in, or have to do with, public rating, will find it of great service. Much credit is therefore due to Mr. Browne for his able treatise—a work which his experience as Registrar of the Railway Commission peculiarly qualified him to undertake.”—*Law Magazine*.

Sixth Edition, revised and enlarged, 8vo, 30s. net.

A TREATISE ON HINDU LAW AND USAGE.

By JOHN D. MAYNE, of the Inner Temple, Barrister-at-Law, Author of "A Treatise on Damages," &c.

"A new work from the pen of so established an authority as Mr. Mayne cannot fail to be welcome to the legal profession. In his present volume the late Officiating Advocate-General at Madras has drawn upon the stores of his long experience in Southern India, and has produced a work of value alike to the practitioner at the Indian Bar, or at home, in appeal cases, and to the scientific jurist.

"To all who, whether as practitioners or administrators, or as students of the science of jurisprudence, desire a thoughtful and suggestive work of reference on Hindu Law and Usage, we heartily recommend the careful perusal of Mr. Mayne's valuable treatise."—*Law Magazine and Review*.

DUTCH LAW.

In 1 Vol., 8vo, price 40s., cloth,

THE OPINIONS OF GROTIUS As contained in the *Hollandsche Consultation en Advijzen*. Collated, translated, and annotated by D. P. DE BRUYN, B.A., LL.B., Ebden Essayist of the University of the Cape of Good Hope; Advocate of the Supreme Court of the Colony of the Cape of Good Hope, and of the High Court of the South African Republic. With Facsimile Portrait of Mr. HUGO DE GROOT.

In 2 Vols., Royal 8vo, price 90s., cloth,

VAN LEEUWEN'S COMMENTARIES ON THE ROMAN-DUTCH LAW. Revised and Edited with Notes in Two Volumes by C. W. DECKER, Advocate. Translated from the original Dutch by J. G. KOTZÉ, LL.B., of the Inner Temple, Barrister-at-Law, and Chief Justice of the Transvaal. With Facsimile Portrait in the Edition by DECKER of 1780.

* * Vol. II. can be had separately, price 50s.

Second Edition in preparation.

THE JUDICIAL PRACTICE OF THE COLONY OF THE CAPE OF GOOD HOPE AND OF SOUTH AFRICA GENERALLY. With suitable and copious Practical Forms, subjoined to, and illustrating the Practice of the several Subjects treated of. By C. H. VAN ZYL, Attorney-at-Law, Notary Public, and Conveyancer, etc. etc.

In Crown 8vo, price 31s. 6d., boards,

THE INTRODUCTION TO DUTCH JURISPRUDENCE OF HUGO GROTIUS, with Notes by Simon van Groenwegen van der Made, and References to Van der Keesel's Theses and Schorer's Notes. Translated by A. F. S. MAASDORP, B.A., of the Inner Temple, Barrister-at-Law.

In 12mo, price 15s. net, boards,

SELECT THESES ON THE LAWS OF HOLLAND & ZEELAND.

Being a Commentary of Hugo Grotius' Introduction to Dutch Jurisprudence, and intended to supply certain defects therein, and to determine some of the more celebrated Controversies on the Law of Holland. By D. G. VAN DER KESSEL, Advocate. Translated by C. A. LORENZ, Barrister-at-Law. Second Edition. With a Biographical Notice of the Author by Professor J. DE WAL, of Leyden.

In 8vo, price 24s. 6d. net, or rupees 18.50.

NEW AND REVISED EDITION OF AN ENGLISH TRANSLATION OF
VOET'S COMMENTARY ON THE PANDECTS, comprising all the titles on Purchase and Sale—Letting and Hiring—Mortgages—Evictions—Warranty—and Allied Subjects; being Lib. XVIII., XIX., XX., XXI., and Tit. VII. of Lib. XIII. By T. BERWICK, of Lincoln's-Inn, Barrister-at-Law, Retired Judge of the District Court of Colombo.

Fifth Edition. In 8vo, price 15s.

THE POWERS, DUTIES AND LIABILITIES OF EXECUTIVE OFFICERS, as between these Officers and the Public. By A. W. CHASTER, of the Middle Temple, Barrister-at-Law.

"There is undoubtedly room for a legal treatise on the status of executive officers, and Mr. Chaster has provided much valuable material on the subject."—*Law Journal*.

In 8vo, price 6d. net.

LOCAL LEGISLATURES. A Scheme for full Legislative Devolution for the United Kingdom on Constitutional lines, being a Supplement to "Executive Officers." By A. W. CHASTER, of the Middle Temple, Barrister-at-Law.

THE

Bar Examination Annual
FOR 1894.

(In Continuation of the Bar Examination Journal.)

Price 3s.

W. D. EDWARDS, LL.B.,

OF LINCOLN'S INN, BARRISTER-AT-LAW.

In 8vo, price 18s. each, cloth,

THE BAR EXAMINATION JOURNAL, VOLS. IV., V.,

VI., VII., VIII., IX. & X. Containing the Examination Questions and Answers from Easter Term, 1878, to Hilary Term, 1892, with List of Successful Candidates at each examination, Notes on the Law of Property, and a Synopsis of Recent Legislation of importance to Students, and other information.

By A. D. TYSSEN AND W. D. EDWARDS, Barristers-at-Law.

In 8vo, price 8s., cloth,

SHORT PRACTICAL COMPANY FORMS.

By T. EUSTACE SMITH, of the Inner Temple and Lincoln's Inn, Barrister-at-Law, Author of "A Summary of the Law of Companies," etc., assisted by ROLAND E. VAUGHAN WILLIAMS, of the Inner Temple, Barrister-at-Law.

REVIEW.

"This collection of Company Forms should certainly prove of service to secretaries, directors, and others interested in the practical working of companies. . . . The forms themselves are short and to the point."—*Law Times*.

Seventh Edition. In 8vo, price 8s. cloth,

A SUMMARY OF JOINT STOCK COMPANIES' LAW.

By T. EUSTACE SMITH,

OF THE INNER TEMPLE, BARRISTER-AT-LAW.

"The author of this handbook tells us that, when an articulated student reading for the final examination, he felt the want of such a work as that before us, wherein could be found the main principles of law relating to joint-stock companies. . . . Law students may well read it; for Mr. Smith has very wisely been at the pains of giving his authority for all his statements of the law or of practice, as applied to joint-stock company business usually transacted in solicitors' chambers. In fact, Mr. Smith has by his little book offered a fresh inducement to students to make themselves—at all events, to some extent—acquainted with company law as a separate branch of study."—*Law Times*.

"These pages give, in the words of the Preface, 'as briefly and concisely as possible a general view both of the principles and practice of the law affecting companies.' The work is excellently printed, and authorities are cited; but in no case is the very language of the statutes copied. The plan is good, and shows both grasp and neatness, and, both amongst students and laymen, Mr. Smith's book ought to meet a ready sale."—*Law Journal*.

"The book is one from which we have derived a large amount of valuable information, and we can heartily and conscientiously recommend it to our readers."—*Oxford and Cambridge Undergraduates' Journal*.

In 8vo, Sixth Edition, price 9s., cloth,

THE MARRIED WOMEN'S PROPERTY ACTS;

1870, 1874, 1882 and 1884,

WITH COPIOUS AND EXPLANATORY NOTES, AND AN APPENDIX OF THE ACTS
RELATING TO MARRIED WOMEN.

By ARCHIBALD BROWN, M.A., Edinburgh and Oxon., and the Middle Temple,
Barrister-at-Law. Being the Sixth Edition of The Married Women's Property
Acts. By the late J. R. GRIFFITH, B.A. Oxon., of Lincoln's Inn, Barrister-
at-Law.

"Upon the whole, we are of opinion that this is the best work upon the subject which has been issued since the passing of the recent Act. Its position as a well-established manual of acknowledged worth gives it at starting a considerable advantage over new books; and this advantage has been well maintained by the intelligent treatment of the Editor."—*Solicitors' Journal*.

"The notes are full, but anything rather than tedious reading, and the law contained in them is good, and verified by reported cases. . . . A distinct feature of the work is its copious index, practically a summary of the marginal headings of the various paragraphs in the body of the text. This book is worthy of all success."—*Law Magazine*.

In 8vo, price 12s., cloth,

THE LAW OF NEGLIGENCE.

SECOND EDITION.

By ROBERT CAMPBELL, of Lincoln's Inn, Barrister-at-Law, and Advocate
of the Scotch Bar.

In crown 8vo, 5s. net, cloth.

THE LAW AND CUSTOMS RELATING TO

GLOVES: Being an Exposition Historically viewed of Ancient Laws, Customs,
and Uses in respect of Gloves and of the Symbolism of the Hand and Glove in
Judicial Proceedings. With Illustrations. By J. W. NORTON-KYSHE, of Lin-
coln's Inn, Esq., Barrister-at-Law.

In 8vo, price 10s. 6d. net.

THE LAW AND PRIVILEGES RELATING TO THE ATTORNEY-GENERAL AND SOLICITOR-GENERAL OF ENGLAND,

with a History from the Earliest Periods, and a Series of
King's Attorneys and Attorneys and Solicitors-General from the reign of
Henry III. to the 60th of Victoria. By J. W. NORTON-KYSHE, of Lincoln's
Inn, Barrister-at-Law.

BIBLIOTHECA LEGUM.

In 12mo (nearly 500 pages), price 2s., cloth,

A CATALOGUE OF LAW BOOKS. Including all the Reports
in the various Courts of England, Scotland, and Ireland; with a Supplement to
December, 1899. By HENRY G. STEVENS and ROBERT W. HAYNES, Law
Publishers.

In small 4to, price 2s., cloth, beautifully printed, with a large margin, for the
special use of Librarians,

A CATALOGUE OF THE REPORTS IN THE
VARIOUS COURTS OF THE UNITED KINGDOM OF GREAT
BRITAIN AND IRELAND. ARRANGED BOTH IN ALPHA-
BETICAL & CHRONOLOGICAL ORDER. By STEVENS & HAYNES,
Law Publishers.

Second Edition, much enlarged, in 8vo, price 20s., cloth,

CHAPTERS ON THE LAW RELATING TO THE COLONIES.

To which are appended TOPICAL INDEXES of CASES DECIDED in the PRIVY COUNCIL on Appeal from the Colonies, Channel Islands and the Isle of Man, and of Cases relating to the Colonies decided in the English Courts otherwise than on Appeal from the Colonies.

By CHARLES JAMES TARRING, M.A.,

ASSISTANT JUDGE OF H.B.M. SUPREME CONSULAR COURT, CONSTANTINOPLE, AND H.M.'S CONSUL ;
AUTHOR OF "BRITISH CONSULAR JURISDICTION IN THE EAST," "A TURKISH GRAMMAR," ETC.

CONTENTS.

Table of Cases Cited.

Table of Statutes Cited.

Introductory.—Definition of a Colony.

Chapter I.—The laws to which the Colonies are subject.

Section 1.—In newly-discovered countries.

Section 2.—In conquered or ceded countries.

Section 3.—Generally.

Chapter II.—The Executive.

Section 1.—The Governor.

A.—Nature of his office, power, and duties.

B.—Liability to answer for his acts.

I.—Civilly.

1. *a.*—In the courts of his Government.

b.—In the English courts.

2.—For what causes of action.

II.—Criminally.

Section 2.—The Executive Council.

Chapter III.—The Legislative Power.

Section 1.—Classification of Colonies.

Section 2.—Colonies with responsible government.

Section 3.—Privileges and powers of colonial Legislative Assemblies.

Chapter IV.—The Judiciary and the Bar.

Chapter V.—Appeals from the Colonies.

Chapter VI.—Imperial Statutes relating to the Colonies.

Section 1.—Imperial Statutes relating to the Colonies in general.

Section 2.—Subjects of Imperial Legislation relating to the Colonies in general.

Section 3.—Imperial Statutes relating to particular Colonies.

Topical Index of Cases decided in the Privy Council on appeal from the Colonies, the Channel Islands, and the Isle of Man.

Index of some Topics of English Law dealt with in the Cases.

Topical Index of Cases relating to the Colonies decided in the English Courts otherwise than on appeal from the Colonies.

Index of Names of Cases.

Appendix I.

II.

GENERAL INDEX.

In 8vo, price 10s., cloth,

THE TAXATION OF COSTS IN THE CROWN OFFICE.

COMPRISING A COLLECTION OF

BILLS OF COSTS IN THE VARIOUS MATTERS TAXABLE IN THAT OFFICE;

INCLUDING

COSTS UPON THE PROSECUTION OF FRAUDULENT BANKRUPTS,
AND ON APPEALS FROM INFERIOR COURTS;

TOGETHER WITH

A TABLE OF COURT FEES,

AND A SCALE OF COSTS USUALLY ALLOWED TO SOLICITORS, ON THE TAXATION
OF COSTS ON THE CROWN SIDE OF THE QUEEN'S BENCH DIVISION
OF THE HIGH COURT OF JUSTICE.

By FREDK. H. SHORT,

CHIEF CLERK IN THE CROWN OFFICE.

"This is decidedly a useful work on the subject of those costs which are liable to be taxed before the Queen's Coroner and Attorney (for which, latter name that of 'Solicitor' might now well be substituted), or before the master of the Crown Office; in fact, such a book is almost indispensable when preparing costs for taxation in the Crown Office, or when taxing an opponent's costs. Country solicitors will find the scale relating to bankruptcy prosecutions of especial use, as such costs are taxed in the Crown Office. The 'general observations' constitute a useful feature in this manual."—*Law Times*.

"The recent revision of the old scale of costs in the Crown Office renders the appearance of this work particularly opportune, and it cannot fail to be welcomed by practitioners. Mr. Short gives, in the first place, a scale of costs usually allowed to solicitors on the taxation of costs in the Crown Office and then bills of costs in various matters. These are well arranged and clearly printed."—*Solicitors' Journal*.

Just Published, in 8vo, price 7s. 6d., cloth,

BRITISH CONSULAR JURISDICTION IN THE EAST, WITH TOPICAL INDICES OF CASES ON APPEAL FROM, AND RELATING TO, CONSULAR COURTS AND CONSULS;

Also a Collection of Statutes concerning Consuls.

By C. J. TARRING, M.A.,
CHIEF JUSTICE OF GRENADA.

Second Edition, in one volume, 8vo, price 16s., cloth,

A CONCISE TREATISE ON THE STATUTE LAW OF THE LIMITATIONS OF ACTIONS.

With an Appendix of Statutes, Copious References to English, Irish, and American Cases,
and to the French Code, and a Copious Index.

By HENRY THOMAS BANNING, M.A.,
OF THE INNER TEMPLE, BARRISTER-AT-LAW.

"The work is decidedly valuable."—*Law Times*.

"Mr. Banning has adhered to the plan of printing the Acts in an appendix, and making his book a cunning treatise on the case-law thereon. The cases have evidently been investigated with care and digested with clearness and intellectuality."—*Law Journal*.

In 8vo, price 1s., sewed,

AN ESSAY ON THE ABOLITION OF CAPITAL PUNISHMENT.

*Embracing more particularly an Enunciation and Analysis of the Principles of Law as
applicable to Criminals of the Highest Degree of Guilt.*

By WALTER ARTHUR COPINGER,
OF THE MIDDLE TEMPLE, ESQ., BARRISTER-AT-LAW.

In 8vo, price 7s. 6d., cloth,

THE LAW AS TO THE APPOINTMENT OF NEW TRUSTEES.

WITH APPENDICES CONTAINING FORMS AND PRECEDENTS AND MATERIAL
SECTIONS OF THE TRUSTEE ACT, 1893, AND THE LUNACY ACTS, 1890 AND 1891.

By J. M. EASTON, of the Inner Temple, Barrister-at-Law.

"... Mr. Easton has devoted great ability and learning to a treatise on this one subject, and saved all who may in future be wise enough to consult his work the labour of searching through many other more ponderous tomes for what they will most likely find here more fully considered. Mr. Easton has not only carefully examined the cases to discover and expound what has been decided, but he has shown great ingenuity in imagining what difficulties may arise, and sagacity in applying principles to their solution. The book is very complete, and contains some useful precedents, and the material sections of the Trustee Act, 1893, and the Lunacy Acts, 1890 and 1891."—*Law Magazine and Review*.

"Into one compact volume the author has collected the whole of the information on this subject... and those who require information on this subject will find Mr. Easton's book a valuable aid."—

Law Times.

"This is a useful book on an important subject, the law of which—though often supposed to be simple—is in reality full of pitfalls... Mr. Easton has done his work well, and his treatment of his subject is practically exhaustive."—*Law Journal*.

"Mr. Easton has turned out a treatise of extreme practical utility, well arranged, exhaustive and reliable."—*Saturday Review*.

Second Edition, in 8vo, price 15s., cloth,

LEADING CASES and OPINIONS on INTERNATIONAL LAW

COLLECTED AND DIGESTED FROM
 ENGLISH AND FOREIGN REPORTS, OFFICIAL DOCUMENTS,
 PARLIAMENTARY PAPERS, and other Sources.

With NOTES and EXCURSUS, Containing the Views of the Text-Writers on the Topics referred to, together with Supplementary Cases, Treaties, and Statutes; and Embodying an Account of some of the more important International Transactions and Controversies.

By PITT COBBETT, M.A., D.C.L.,

OF GRAY'S INN, BARRISTER-AT-LAW, PROFESSOR OF LAW, UNIVERSITY OF SYDNEY, N.S.W.

"The book is well arranged, the materials well selected, and the comments to the point. Much will be found in small space in this book."—*Law Journal*.

"The notes are concisely written and trustworthy. . . . The reader will learn from them a great deal on the subject, and the book as a whole seems a convenient introduction to fuller and more systematic works."—*Oxford Magazine*.

Second Edition, in royal 8vo. 1100 pages, price 45s., cloth,

STORY'S COMMENTARIES ON EQUITY JURISPRUDENCE.

Second English Edition, from the Twelfth American Edition.

By W. E. GRIGSBY, LL.D. (LOND.), D.C.L. (OXON.),

AND OF THE INNER TEMPLE, BARRISTER-AT-LAW.

"It is high testimony to the reputation of Story, and to the editorship of Dr. Grigsby, that another edition should have been called for. . . . The work

has been rendered more perfect by additional indices."—*Law Times*.

Second Edition, in 8vo, price 8s., cloth,

THE PARTITION ACTS, 1868 & 1876.

A Manual of the Law of Partition and of Sale, in Lieu of Partition. With the Decided Cases, and an Appendix containing Judgments and Orders. By W. GREGORY WALKER, B.A., of Lincoln's Inn, Barrister-at-Law.

"This is a very good manual—practical, clearly written, and complete. The subject lends itself well to the mode of treatment adopted by Mr. Walker, and in his notes to the various sections he

has carefully brought together the cases, and discussed the difficulties arising upon the language of the different provisions."—*Solicitors' Journal*.

Second Edition, in 8vo, price 22s., cloth,

A TREATISE ON THE LAW AND PRACTICE RELATING TO INFANTS.

By ARCHIBALD H. SIMPSON, M.A.,

OF LINCOLN'S INN, BARRISTER-AT-LAW, AND FELLOW OF CHRIST'S COLLEGE, CAMBRIDGE.

SECOND EDITION. By E. J. ELGOOD, B.C.L., M.A., of Lincoln's Inn, Barrister-at-Law.

"Mr. Simpson's book comprises the whole of the law relating to infants, both as regards their persons and their property, and we have not observed any very important omissions. The author has evidently expended much trouble and care upon his work, and has brought together, in a concise and convenient form, the law upon the subject down to the present time."—*Solicitors' Journal*.

"Its law is unimpeachable. We have detected no errors, and whilst the work might have been done more scientifically, it is, beyond all question, a compendium of sound legal principles."—*Law Times*.

"Mr. Simpson has arranged the whole of the Law relating to Infants with much fulness of detail, and

yet in comparatively little space. The result is due mainly to the businesslike condensation of his style. Fulness, however, has by no means been sacrificed to brevity, and, so far as we have been able to test it, the work omits no point of any importance, from the earliest cases to the last. In the essential qualities of clearness, completeness, and orderly arrangement it leaves nothing to be desired.

"Lawyers in doubt on any point of law or practice will find the information they require, if it can be found at all, in Mr. Simpson's book, and a writer of whom this can be said may congratulate himself on having achieved a considerable success."—*Law Magazine*, February, 1876.

In one volume, royal 8vo, 1877, price 30s., cloth,

THE DOCTRINES & PRINCIPLES OF THE LAW OF INJUNCTIONS.

By WILLIAM JOYCE,

OF LINCOLN'S INN, BARRISTER-AT-LAW.

"Mr. Joyce, whose learned and exhaustive work on 'The Law and Practice of Injunctions' has gained such a deservedly high reputation in the Profession, now brings out a valuable companion volume on the 'Doctrines and Principles' of this important branch of the Law. In the present work the Law is enunciated in its abstract rather than its concrete form, as few cases as possible being cited; while at the same time no statement of a principle is made unsupported by a decision, and for the most part the very language of the Courts has been adhered to. Written as it is by so acknowledged a master of his subject, and with the conscientious carefulness that might be expected from him, this work cannot fail to prove of the greatest assistance alike to the Student—who wants to grasp principles freed from their superincumbent details—and to the practitioner, who wants to refresh his memory on points of doctrine amidst the oppressive details of professional work."—*Law Magazine and Review*.

BY THE SAME AUTHOR.

In two volumes, royal 8vo, 1872, price 70s., cloth,

THE LAW & PRACTICE OF INJUNCTIONS.

EMBRACING

ALL THE SUBJECTS IN WHICH COURTS OF EQUITY
AND COMMON LAW HAVE JURISDICTION.

By WILLIAM JOYCE,

OF LINCOLN'S INN, BARRISTER-AT-LAW.

REVIEWS.

"A work which aims at being so absolutely complete, as that of Mr. Joyce upon a subject which is of almost perpetual recurrence in the Courts, cannot fail to be a welcome offering to the profession, and doubtless, it will be well received and largely used, for it is as absolutely complete as it aims at being. . . . This work is, therefore, eminently a work for the practitioner, being full of practical utility in every page, and every sentence, of it. . . . We have to congratulate the profession on this new acquisition to a digest of the law, and the author on his production of a work of permanent utility and fame."—*Law Magazine and Review*.

"Mr. Joyce has produced, not a treatise, but a complete and compendious *exposition* of the Law and Practice of Injunctions both in equity and common law.

"Part III. is devoted to the practice of the Courts. *Contains an amount of valuable and technical matter nowhere else collected.*

"This work, considered either as to its matter or manner of execution, is no ordinary work. It is a complete and exhaustive treatise both as to the law and the practice of granting injunctions. It must supersede all other works on the subject. The terse statement of the practice will be found of incalculable value. We know of no book as suitable to supply a knowledge of the law of injunctions to our common law friends as Mr. Joyce's exhaustive work. It is alike indispensable to members of the Common Law and Equity Bars. Mr. Joyce's great work would be a casket without a key unless accompanied by a good index. His index is very full and well arranged. We feel that this work is destined to take its place as a standard text-book, and the text-book on the particular subject of which it treats. The author deserves great credit for the very great labour bestowed upon it. The publishers, as usual, have acquitted themselves in a manner deserving of the high reputation they bear."—*Canada Law Journal*.

"From these remarks it will be sufficiently perceived what elaborate and painstaking industry, as well as legal knowledge and ability has been necessary in the compilation of Mr. Joyce's work. No labour has been spared to save the practitioner labour, and no research has been omitted which could tend towards the elucidation and exemplification of the general principles of the Law and Practice of Injunctions."—*Law Journal*.

"He does not attempt to go an inch beyond that for which he has express written authority; he allows the cases to speak, and does not speak for them.

"The work is something more than a treatise on the Law of Injunctions. It gives us the general law on almost every subject to which the process of injunction is applicable. Not only English, but American decisions are cited, the aggregate number being 3,500, and the statutes cited 160, whilst the index is, we think, the most elaborate we have ever seen—occupying nearly 200 pages. The work is probably entirely exhaustive."—*Law Times*.

Third Edition, in 8vo, price 20s., cloth,

A TREATISE UPON

THE LAW OF EXTRADITION,

WITH THE CONVENTIONS UPON THE SUBJECT EXISTING BETWEEN
ENGLAND AND FOREIGN NATIONS,
AND THE CASES DECIDED THEREON.

By SIR EDWARD CLARKE,

OF LINCOLN'S INN, K.C.

"Mr. Clarke's accurate and sensible book is the best authority to which the English reader can turn upon the subject of Extradition."—*Saturday Review*.

"The opinion we expressed of the merits of this work when it first appeared has been fully justified by the reputation it has gained. It is seldom we come across a book possessing so much interest to the general reader and at the same time furnishing so useful a guide to the lawyer."—*Solicitors' Journal*.

"The appearance of a second edition of this treatise does not surprise us. It is a useful book, well arranged and well written. A student who

wants to learn the principles and practice of the law of extradition will be greatly helped by Mr. Clarke. Lawyers who have extradition business will find this volume an excellent book of reference. Magistrates who have to administer the extradition law will be greatly assisted by a careful perusal of 'Clarke upon Extradition.' This may be called a warm commendation, but those who have read the book will not say it is unmerited."—*Law Journal*.

THE TIMES of September 7, 1874, in a long article upon 'Extradition Treaties,' makes considerable use of this work and writes of it as "Mr. Clarke's useful *Work on Extradition*."

In 8vo, price 2s. 6d., cloth,

TABLES OF STAMP DUTIES

FROM 1815 TO 1878.

By WALTER ARTHUR COPINGER,

OF THE MIDDLE TEMPLE, ESQUIRE, BARRISTER-AT-LAW: AUTHOR OF "THE LAW OF COPYRIGHT IN WORKS OF LITERATURE AND ART," "INDEX TO PRECEDENTS IN CONVEYANCING," "TITLE DEEDS," &c.

"We think this little book ought to find its way into a good many chambers and offices."—*Solicitors' Journal*.

"This book, or at least one containing the same amount of valuable and well-arranged information, should find a place in every Solicitor's office. It is of especial value when examining the abstract of a

large number of old title-deeds."—*Law Times*.

"His *Tables of Stamp Duties, from 1815 to 1878*, have already been tested in Chambers, and being now published, will materially lighten the labours of the profession in a tedious department, yet one requiring great care."—*Law Magazine and Review*.

In one volume, 8vo, price 14s., cloth,

TITLE DEEDS:

THEIR CUSTODY, INSPECTION, AND PRODUCTION, AT LAW, IN EQUITY, AND IN MATTERS OF CONVEYANCING,

Including Covenants for the Production of Deeds and Attested Copies; with an Appendix of Precedents, the Vendor and Purchaser Act, 1874, &c. &c. &c. By WALTER ARTHUR COPINGER, of the Middle Temple, Barrister-at-Law; Author of "The Law of Copyright" and "Index to Precedents in Conveyancing."

"The literary execution of the work is good enough to invite quotation, but the volume is not large, and we content ourselves with recommending it to the profession."—*Law Times*.

"A really good treatise on this subject must be essential to the lawyer: and this is what we have

here. Mr. Copinger has supplied a much-felt want, by the compilation of this volume. We have not space to go into the details of the book; it appears well arranged, clearly written, and fully elaborated. With these few remarks we recommend his volume to our readers."—*Law Journal*.

Third Edition, in 8vo, considerably enlarged, price 36s., cloth,

THE LAW OF COPYRIGHT

In Works of Literature and Art; including that of the Drama, Music, Engraving, Sculpture, Painting, Photography, and Ornamental and Useful Designs; together with International and Foreign Copyright, with the Statutes relating thereto, and References to the English and American Decisions. By WALTER ARTHUR COPINGER, of the Middle Temple, Barrister-at-Law.

"Mr. Copinger's book is very comprehensive, dealing with every branch of his subject, and even extending to copyright in foreign countries. So far as we have examined, we have found all the recent authorities noted up with scrupulous care, and there is an unusually good index. These are

merits which will, doubtless, lead to the placing of this edition on the shelves of the members of the profession whose business is concerned with copyright; and deservedly, for the book is one of considerable value."—*Solicitors' Journal*.

In One Volume, Royal 8vo, price. , cloth.

THE HISTORY AND LAW OF FISHERIES.

By STUART A. MOORE, F.S.A.,
AND HUBERT STUART MOORE,

OF THE INNER TEMPLE, BARRISTERS-AT-LAW.

CONTENTS.

PART I:—INTRODUCTION.—Chap. I. Of the evidence as to fisheries in Domesday Book.—Chap. II. Of putting rivers in defence.—Chap. III. Of presumptions with regard to fisheries.—Chap. IV. Of the presumption of ownership of the soil by the Owner of the fishery.—Chap. V. Of the origin and subdivision of fisheries.—Chap. VI. Of the different kinds of fisheries.—Chap. VII. Of the various descriptions of fisheries in ancient records.—Chap. VIII. Incorporated fisheries in tidal waters.—Chap. IX. Incorporated fisheries in non-tidal waters.—Chap. X. Of fishery appurtenant to or parcel of a manor. Chap. XI. Of fishery appurtenant to a particular tenement.—Chap. XII. Copyhold fisheries.—Chap. XIII. Of fisheries in gross.—Chap. XIV. Of divided fisheries and the Royal draught.—Chap. XV. Of fisheries in ponds and lakes and the ownership of the soil.—Chap. XVI. Of fisheries in canals and artificial water-courses.—Chap. XVII. Of fishery in relation to navigation.—Chap. XVIII. Of fishing paths.—Chap. XIX. Of the public right of fishery and its limits.—Chap. XX. Of boundaries of fisheries.—Chap. XXI. Of change in the course of a river, and its effect upon the ownership of the fishery therein.—Chap. XXII. Of grants of fisheries.—Chap. XXIII. Of evidence of title to fisheries.—Chap. XXIV. Of evidence of possession of fisheries in proving title.—Chap. XXV. Of the effect of user by the public and others adverse to the owner of a fishery.—Chap. XXVI. Of the powers of an owner of a fishery to lease and license, &c.—Chap. XXVII. Of proceedings for the protection of fisheries.

PART II: STATUTE LAW RELATING TO FISHERIES:—Chap. I. Summary of legislation relating to fish and fisheries.—Chap. II. Regulation of sea fisheries.—Chap. III. Registration and discipline of sea fishing boats.—Chap. IV. Statutory provisions relating to fisheries generally.—Chap. V. Statutory provisions relating to floating fish.—Chap. VI. Statutory provisions relating to shell fish.—Chap. VII. Regulation of salmon and fresh-water fisheries.—Chap. VIII. Powers of Boards of Conservators. Chap. IX. Water Bailiffs.—Chap. X. Statutory provisions as to the capture and destruction of salmon and freshwater fish.—Chap. XI. Close seasons.—Chap. XII. Licenses.—Chap. XIII. Sale and exportation of fish.

APPENDICES:—Statutes with notes of cases relating thereto. Sea and Salmon Acts. The registration of sea fishing boats. List and of sea salmon fishery districts. Orders in Council as to list of fisheries referred to in Domesday Book. List of Fisheries referred to in notes of ancient records in the authors' collection.—Index.

Third Edition, in One large Volume, 8vo, price 32s., cloth,

A MAGISTERIAL AND POLICE GUIDE:

BEING THE LAW

RELATING TO THE

PROCEDURE, JURISDICTION, AND DUTIES OF MAGISTRATES
AND POLICE AUTHORITIES,

IN THE METROPOLIS AND IN THE COUNTRY.

With an Introduction showing the General Procedure before Magistrates
both in Indictable and Summary Matters.

By HENRY C. GREENWOOD,

STIPENDIARY MAGISTRATE FOR THE DISTRICT OF THE STAFFORDSHIRE POTTERIES; AND

TEMPLE CHEVALIER MARTIN,

CHIEF CLERK TO THE MAGISTRATES AT LAMBETH POLICE COURT, LONDON;

AUTHOR OF "THE LAW OF MAINTENANCE AND DESERTION," "THE NEW FORMULIST," ETC.

Third Edition. Including the SESSION 52 & 53 Vict., and the CASES DECIDED in the
SUPERIOR COURTS to the END OF THE YEAR 1889, revised and enlarged.

By TEMPLE CHEVALIER MARTIN.

"A second edition has appeared of Messrs. Greenwood and Martin's valuable and comprehensive magisterial and police Guide, a book which Justices of the peace should take care to include in their Libraries."—*Saturday Review.*

Now ready, Second Edition, in 8vo, price 21s., cloth.

THE LAW RELATING TO THE

ADMINISTRATION OF CHARITIES,

UNDER THE CHARITABLE TRUSTS ACTS, 1853-1894, LOCAL GOVERNMENT ACT, 1894, AND LONDON GOVERNMENT ACT, 1899.

By THOMAS BOURCHIER-CHILCOTT,

OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW.

"This book should be of great use to all concerned in the administration of charities. We particularly recommend it to the notice of members of Parish Councils."—*Law Journal*.

"This is a careful edition of the principal statutes. . . . The book contains all that is ordinarily needed on questions of charity administration."—*Law Magazine and Review*.

"Mr. Bouchier-Chilcott's work should be useful to the Profession. . . . The notes on sales and leases of charity lands are succinct, to the point and up to date, and will be a safe guide to the practitioner on that rather difficult subject. The appointment of new trustees is also dealt with very fully."—*Law Times*.

In one thick volume, 8vo, price 32s., cloth,

THE LAW OF RAILWAY COMPANIES.

Comprising the Companies Clauses, the Lands Clauses, the Railways Clauses Consolidation Acts, the Railway Companies Act, 1867, and the Regulation of Railways Act, 1868; with Notes of Cases on all the Sections, brought down to the end of the year 1868; together with an Appendix giving all the other material Acts relating to Railways, and the Standing Orders of the Houses of Lords and Commons; and a copious Index. By HENRY GODEFROI, of Lincoln's Inn, and JOHN SHORTT, of the Middle Temple, Barristers-at-Law.

In a handy volume, crown 8vo, 1870, price 10s. 6d., cloth,

THE LAW OF SALVAGE,

As administered in the High Court of Admiralty and the County Courts; with the Principal Authorities, English and American, brought down to the present time; and an Appendix, containing Statutes, Forms, Table of Fees, etc. By EDWYN JONES, of Gray's Inn, Barrister-at-Law.

In crown 8vo, price 4s., cloth,

A HANDBOOK OF THE

LAW OF PARLIAMENTARY REGISTRATION.

WITH AN APPENDIX OF STATUTES AND FULL INDEX.

By J. R. SEAGER, REGISTRATION AGENT.

Second Edition, in One Vol., 8vo, price 12s., cloth,

A COMPENDIUM OF ROMAN LAW,

FOUNDED ON THE INSTITUTES OF JUSTINIAN; together with Examination Questions Set in the University and Bar Examinations (with Solutions), and Definitions of Leading Terms in the Words of the Principal Authorities. Second Edition. By GORDON CAMPBELL, of the Inner Temple, M.A., late Scholar of Exeter College, Oxford; M.A., LL.D., Trinity College, Cambridge; Author of "An Analysis of Austin's Jurisprudence, or the Philosophy of Positive Law."

In 8vo, price 7s. 6d., cloth,

TITLES TO MINES IN THE UNITED STATES, WITH THE STATUTES AND REFERENCES TO THE DECISIONS OF THE COURTS RELATING THERETO.

By W. A. HARRIS, B.A. OXON.,

OF LINCOLN'S INN, BARRISTER-AT-LAW; AND OF THE AMERICAN BAR.

INDEX

To the Names of Authors and Editors of Works enumerated in this Catalogue.

- ALDRED (P. F.), page 21.
 ARGLES (N.), 32.
 ASHWORTH (P. A.), 21.
 ATTENBOROUGH (C. L.), 27.
 BALDWIN (E. T.), 37.
 BANNING (H. T.), 42 BATY (T.), 19.
 BEAL (E.), 32. BELLEWE (R.), 34.
 BELLOT & WILLIS, 11. BERWICK (T.), 38.
 BEVEN (T.), 8. BLYTH (E. E.), 22.
 BOURCHIER-CHILCOTT (T.), 47.
 BRICE (SEWARD), 17, 19, 33
 BROOKE (Sir R.), 35.
 BROOKS (W. J.), 13.
 BROWN (ARCHIBALD), 20, 22, 40.
 BROWNE (J. H. BALFOUR), 18, 37.
 BUCKLEY (H. B.), 17.
 BUCKNILL (T. T.), 34, 35.
 CAMPBELL (GORDON), 47.
 CAMPBELL (ROBERT), 9, 40.
 CECIL (Lord R.), 11.
 CHASTER (A. W.), 32, 39.
 CLARKE (Sir EDWARD), 45.
 CLAUSON (A. C.), 17.
 COBBETT (PITT), 43.
 COOKE (Sir G.), 35.
 COOKE (HUGH), 10.
 COPINGER (W. A.), 42, 45.
 CORNER (R. J.), 10.
 COTTERELL (J. N.), 28
 CRAIGS (W. F.), 6, 9.
 CUNNINGHAM (JOHN), 7.
 CUNNINGHAM (T.), 34.
 DARLING (C. J.), 18.
 DEANE (H. C.), 23. DECKER (C. W.), 38.
 DE BRUYN (D. P.), 38.
 DE WAL (J.), 38.
 DIBDIN (L. T.), 10.
 DUNCAN (G. W.), 16.
 DUNCAN (J. A.), 33.
 EASTON (J. M.), 42.
 EDWARDS (W. D.), 16, 39.
 ELGOOD (E. J.), 6, 18, 43.
 ELLIOTT (G.), 14.
 ERRINGTON (F. H. L.), 10.
 EVANS (M. O.), 20.
 EVERSLEY (W. P.), 9.
 FINLASON (W. F.), 32.
 FOOTE (J. ALDERSON), 36.
 FORBES (U. A.), 17, 18.
 FROST (R.), 12.
 GIBBS (F. W.), 14.
 GODEFROI (H.), 47.
 GREENWOOD (H. C.), 46.
 GRIFFITH (J. R.), 29, 40.
 GRIGSBY (W. E.), 43.
 GROTIUS (HUGO), 38.
 HALL (R. G.), 30. HANSON (A.), 10.
 HARDCASTLE (H.), 9, 33.
 HARRIS (SEYMOUR F.), 20, 27.
 HARRIS (W. A.), 47.
 HARRISON (J. C.), 23.
 HARWOOD (R. G.), 10.
 HAZLITT (W.), 29.
 HIGGINS (C.), 30.
 HOUSTON (J.), 32.
 HUDSON (A. A.), 12. HURST (J.), 11
 INDERMAUR (JOHN), 24, 25, 26, 28.
 INDERWICK, 11.
 JONES (E.), 47. JOYCE (W.), 44.
 KAY (JOSEPH), 16. KEEP (A. P. P.), 33.
 KELYNG (Sir J.), 35.
 KELYNGE (W.), 35.
 KOTZÉ (J. G.), 38. LITTLE (T. S.), 6.
 LLOYD (EYRE), 14.
 LORENZ (C. A.), 38.
 LOVELAND (R. L.), 34, 35.
 LYON-CAEN (CHARLES), 32.
 MAASDORP (A. F. S.), 38.
 MACASKIE (S. C.), 7.
 MANSFIELD (Hon. J. W.), 16.
 MARCH (JOHN), 35.
 MARCY (G. N.), 26.
 MARTIN (TEMPLE C.), 7, 46.
 MATTINSON (M. W.), 7.
 MAY (H. W.), 29.
 MAYNE (JOHN D.), 31, 38
 MCNAUGHTON (D. N.), 37.
 MELLOR (F. H.), 10. MOORE (S. A.), 30.
 NORTON-KYSHE, 40.
 O'MALLEY (E. L.), 33.
 PEILE (C. J.), 7.
 PEMBERTON (L. L.), 18, 32.
 PHIPSON (S. L.), 20.
 PORTER (J. B.), 6.
 REILLY (F. S.), 29.
 RENTON (A. W.), 10.
 RINGWOOD (R.), 13, 15, 29
 ROWLATT (S. A. T.), 11.
 SALKOWSKI (C.), 14.
 SALMOND (J. W.), 13.
 SANDARS (J. S.), 33.
 SAVIGNY (F. C. VON), 20.
 SCOTT (C. E.), 32.
 SEAGER (J. R.), 47.
 SHORT (F. H.), 10, 41.
 SHORT (JOHN), 47.
 SHOWER (Sir B.), 34.
 SIMPSON (A. H.), 43. SLATER (J.), 7.
 SMITH (EUSTACE), 23, 39.
 SMITH (F. J.), 6.
 SMITH (LUMLEY), 31.
 SNELL (E. H. T.), 22. STORY, 43.
 TARRING (C. J.), 26, 41, 42.
 TASWELL-LANGMEAD, 21.
 THOMAS (ERNEST C.), 28.
 THWAITES (C.), 25.
 TYSSEN (A. D.), 39.
 VAN DER KESSEL (D. G.), 38.
 VAN LEEUWEN, 38. VAN ZYL, 38.
 WAITE (W. T.), 22.
 WALKER (W. G.), 6, 18, 43.
 WERTHEIMER (J.), 32.
 WHITEFORD (F. M.), 33.
 WHITFIELD (E. E.), 14.
 WILLIAMS (R. E. V.), 39.
 WILLIAMS (S. E.), 7.
 WILLIS (W.), 14, 26. WILSHERE, 26
 WORTHINGTON (S. W.), 29.

STEVENS AND HAYNES' LAW PUBLICATIONS.

Second Edition, in 8vo, price 21s. cloth.

THE LAW RELATING TO THE ADMINISTRATION OF CHARITIES under the Charitable Trusts Act, 1853-1894, and Local Government Act, 1894. By THOMAS BOUCHIER-CHILCOTT, of the Middle Temple, Barrister-at-Law.

Fourth Edition. In One Volume, 8vo, price 30s. cloth.

HANSON'S DEATH DUTIES: Being the Fourth Edition of THE PROBATE, LEGACY, AND SUCCESSION DUTIES ACTS; Comprising 36 Geo. 3, c. 52; 45 Geo. 3, c. 28; 55 Geo. 3, c. 184; 16 & 17 Vict. c. 51; the Customs and Inland Revenue Acts, 43 Vict. c. 14; 44 Vict. c. 12; and the New Estate Duty Finance Acts, 57 & 58 Vict. c. 30, and 59 & 60 Vict. c. 23; with an Introduction and copious Notes, incorporating the Cases to 1896, &c. By LEWIS T. DIBBIN, M.A., D.C.L., and F. H. L. ERRINGTON, M.A., Barristers-at-Law.

Third Edition, in 8vo, price 10s. 6d. cloth.

OUTLINES OF THE LAW OF TORTS. By RICHARD RINGWOOD, M.A., of the Middle Temple, Barrister-at-Law.

Third Edition, in 8vo, price 28s. cloth.

HARDCASTLE'S TREATISE ON THE CONSTRUCTION AND EFFECT OF STATUTE LAW. With Appendices. Third Edition. By W. F. CRAIES, of the Inner Temple, Barrister-at-Law.

Second Edition, in 8vo, price 16s. cloth.

A TREATISE ON THE STATUTE LAW OF THE LIMITATIONS OF ACTIONS. With an Appendix of Statutes, References to Cases, and French Code. By H. T. BANNING, M.A., Barrister-at-Law.

Third Edition, in 8vo, price 20s. cloth.

A COMPENDIUM OF THE LAW OF PROPERTY IN LAND. For the use of Students and the Profession. *Third Edition*, with Addenda, giving the Land Transfer Act, 1897, with references to the Text. By WILLIAM DOUGLAS EDWARDS, LL.B., of Lincoln's Inn, Barrister-at-Law.

Third Edition, crown 8vo, price 6s. 6d. cloth.

THE LAW OF ARBITRATION AND AWARDS. With Appendix containing the STATUTES RELATING TO ARBITRATION, and a collection of Forms and Index. Third Edition. By JOSHUA SLATER, of Gray's Inn, Barrister-at-Law.

Second Edition, in 8vo, price 26s. cloth.

A CONCISE TREATISE ON PRIVATE INTERNATIONAL JURISPRUDENCE. Based on the decisions in the English Courts. By JOHN ALDERSON FOOTE, of Lincoln's Inn, Barrister-at-Law.

In 8vo, price 30s. cloth.

THE PRACTICE ON THE CROWN SIDE OF THE QUEEN'S BENCH DIVISION of Her Majesty's High Court of Justice (founded on Corner's Crown Office Practice), including Appeals from Inferior Courts. With Appendices of Rules and Forms. By F. HUGH SHORT, Chief Clerk of the Crown Office, and FRANCIS H. MELLOR, M.A., Barrister-at-Law.

Eighth Edition, 8vo, price 10s. 6d. cloth.

RINGWOOD'S PRINCIPLES OF THE LAW OF BANKRUPTCY; Embodying the Bankruptcy Acts, 1883 and 1890; part of the Debtors Act, 1869; the Bankruptcy Appeals (County Courts) Act, 1884. With an Appendix containing Schedules to the Bankruptcy Act, 1883; the Bankruptcy Rules, 1886 and 1890, &c. Eighth Edition. By R. RINGWOOD, of the Middle Temple, Barrister-at-Law.

Third Edition, in 8vo, price 32s. cloth.

A MAGISTERIAL AND POLICE GUIDE: Being the Statute Law relating to the Procedure, Jurisdiction, and Duties of Magistrates and Police Authorities in the Metropolis and in the Country. With an Introduction, showing the General Procedure before Magistrates both in Indictable and Summary Matters. By HENRY C. GREENWOOD, Stipendiary Magistrate, and TEMPLE CHEVALLIER MARTIN, Chief Clerk to the Magistrates at Lambeth Police Court, London. *Third Edition*, including the Session 52 & 53 Vict., and the Cases decided in the Superior Courts to the End of the Year 1889, by TEMPLE CHEVALLIER MARTIN.

STEVENS AND HAYNES' LAW PUBLICATIONS.

Eighth Edition, in royal 8vo, price 36s. cloth,

BUCKLEY ON THE COMPANIES ACTS.—Being a Treatise on THE LAW AND PRACTICE UNDER THE COMPANIES ACTS, and the LIFE ASSURANCE COMPANIES ACTS. Containing the Statutes and the Rules, Orders, and Forms to Regulate Proceedings. Written originally by the Honourable Sir HENRY BURTON BUCKLEY, Knt., M.A. now one of His Majesty's Judges. Eighth Edition by A. C. CLAUSON, M.A., of Lincoln's Inn, Barrister-at-Law.

Second Edition, in 8vo, price 9s. cloth,

THE LAW OF MAINTENANCE AND DESERTION, and the Orders of Justices thereon. Second Edition, including the LAW ON AFFILIATION and BASTARDY. With an Appendix of Statutes and Forms, including the Summary Jurisdiction (Married Women) Act of Session, 1895. By TEMPLE CHEVALIER MARTIN, Editor of the "Magisterial and Police Guide," &c., and GEORGE TEMPLE MARTIN, M.A., of Lincoln's Inn, Barrister-at-Law.

Sixth Edition, in 8vo, price 21s. cloth,

THE LAW OF COMPENSATION FOR LANDS, HOUSES, &c., under the Lands Clauses, Railways Clauses Consolidation Acts, Public Health Act, 1875, Housing of the Working Classes Act, 1890, and other Acts, with a full Collection of Forms and Precedents. By EYRE LLOYD, of the Inner Temple, Barrister-at-Law. Sixth Edition. By W. J. BROOKS, of the Inner Temple, Barrister-at-Law.

Just published. Third Edition, in crown 8vo, price 14s. cloth,

THE LAW OF EVIDENCE. By S. L. PHIPSON, M.A., of the Inner Temple, Barrister-at-Law.

Just Published. In royal 8vo, price 21s.

THE HISTORY AND LAW OF FISHERIES. By STUART A. MOORE, F.S.A., of the Inner Temple, Barrister-at-Law, Author of "The History and Law of the Foreshore," and HUBERT STUART MOORE, of the Inner Temple, Barrister-at-Law.

Second Edition. In Two Volumes, royal 8vo, price 50s. cloth,

A PRACTICAL TREATISE ON THE LAW OF BUILDING AND ENGINEERING CONTRACTS, and of the Duties and Liabilities of Engineers, Architects, Surveyors and Valuers, with an Appendix of Precedents, annotated by means of reference to the Text and to Contracts in use, and an Appendix of Unreported Cases on Building and Engineering Contracts. By ALFRED A. HUDSON, of the Inner Temple, Barrister-at-Law.

Fifth Edition, in crown 8vo, price 15s. cloth,

ENGLISH CONSTITUTIONAL HISTORY: From the Teutonic Conquest to the Present Time. Designed as a Text-book for Students and others. By T. P. TASWELL-LANGMEAD, B.C.L., of Lincoln's Inn, Barrister-at-Law. Fifth Edition, with Notes. By PHILIP A. ASHWORTH, Barrister-at-Law, translator of Gneist's "History of the English Constitution."

Second Edition, in 8vo, price 22s. cloth,

A TREATISE ON THE LAW & PRACTICE RELATING TO INFANTS. By ARCHIBALD H. SIMPSON, M.A., Barrister-at-Law. Second Edition, by E. J. ELGOOD, B.C.L., M.A., Barrister-at-Law.

Second Edition, in royal 8vo, price 30s. cloth,

A TREATISE ON THE STATUTES OF ELIZABETH against FRAUDULENT CONVEYANCES: the Bills of Sale Acts, 1878 and 1882; and the LAW OF VOLUNTARY DISPOSITIONS OF PROPERTY. By the late H. W. MAY, B.A. Second Edition, by S. W. WORTHINGTON, Barrister-at-Law.

Second Edition, in 8vo, price 15s. cloth,

LEADING CASES AND OPINIONS ON INTERNATIONAL LAW; Collected and Digested from English and Foreign Reports, Official Documents, Parliamentary Papers, and other Sources. With Notes and Excursus. By PITT COBBETT, M.A., D.C.L., Barrister-at-Law, Professor of Law, Sydney University.

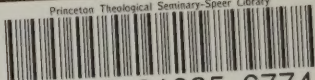
Third Edition, in 8vo, price 21s. cloth,

THE LAWS OF INSURANCE: FIRE, LIFE, ACCIDENT, AND GUARANTEE. Embodying Cases in the English, Scotch, Irish, American and Canadian Courts. By J. B. PORTER and W. F. CRAIGIE, Barristers-at-Law.

Ninth Edition, in 8vo, price 20s.,

PRINCIPLES OF THE COMMON LAW. Intended for the Use of Students and the Profession. By JOHN INDERMAUR, Solicitor.

Princeton Theological Seminary-Speer Library



1 1012 01035 6774